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SOMERS

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OF

SCARCE AND VALUABLE

TRACTS,

ON THE MOST

INTERESTING AND ENTERTAINING SUBJECTS:

BUT CHIEFLY SUCH AS RELATE TO THE

HISTORY AND CONSTITUTION

OF

THESE KINGDOMS.

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THAT OF THE LATE LORD SOMERS.

THE SECOND EDITION,

REVISED, AUGMENTED, AND ARRANGED,

BY

WALTER SCOTT, Esq.

VOLUME FOURTH.

The bent and genius of the age is best known, in a free country, by the pamphlets and papers that come daily out, as the sense of parties, and sometimes the voice of the nation. PREFACE TO KENNET'S REGISTER.

Judex qui aliquid statuit, una parte audita tantum et inaudita altera, licet æquum statuerit, haud æquus fuerit.
LD. COOK & JUST. INST.

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TRACTS

DURING

THE REIGN OF KING CHARLES I.

FIRST CLASS.

ECCLESIASTICAL TRACTS.

THE

SOMERS

COLLECTION OF TRACTS.

KING CHARLES I.

FIRST CLASS.

ECCLESIASTICAL TRACTS.

The Passionate Remonstrance of the Pope in his Conclave at Rome, upon the disasterous Disappointments given to the Roman Cause, by the late Proceedings and the great Covenant of Scotland. With a Reply of Cardinall De Barbarini, in the Name of the Roman Clergy. 1641. *Together with a Letter of Intelligence from the Apostolicke Nuntio (now residing in London) to Pope Urban the Eight.*

Ridentem dicere verum nil vetat.

The unexpected and wonderful unanimity with which the Scottish nation rejected the Book of Common Prayer, so unadvisedly forced upon them in 1637, and entered into the noted and extraordinary engagement, called The Solemn League and Covenant, seems to have astonished not only their opponents, but even themselves. The successes which followed, though as much to be imputed to the discontents of the English nobility and the army, as to Scottish manhood, were not less surprising and elevating. The least that was expected by the most moderate Covenanter was the total abolishing of the English Hierarchy, and the establishment of the Presbyterian Classes.

———— *et vot iPhœbus succedere partem*
Mente dedit; partem volucres dispersit in auras.

But the high-strained expectation of others, saw, in the triumph of the Covenant, the total downfall of the papal authority. Among this more sanguine class, the author of the following tract is, or affects to be, numbered. It is scarcely necessary to observe, that the civil dissention between two reformed churches, must have necessarily strengthened, rather than weakened, their common enemy. This was an inference wholly overlooked in the vehemence of the Presbyterians' hatred to their Episcopal brethren.

This tract was first printed at Edinburgh, and afterwards reprinted in London, where, until the predominance of the Independants, the Covenant was as much the idol of the parliament party,

as of the Scottish, and their nation was held in such high respect, that, Baillie informs us, even the popular ballads always concluded with the binding word, "*God-a-mercy Scot.*"

In the original, the Passionate Remonstrance is adorned with a frontispiece, representing the pope in council, with the cardinals, all in various attitudes of dismay. The titles of Cardinal di Fiorenza, Antonio di Barbarini, Francisco di Barbarini, are inscribed above those who sit highest at the counsel-table, and an open scroll bears the inscription, *Tutto sta male.*

From the various recommendatory poems, some of them subscribed by people of rank, it would seem that the author of this satire was a young man of some rank. His wit will, at the present day, hardly be thought to merit the extravagant eulogies thus conferred upon it. These introductory verses have been replaced, from the Edinburgh copy, in the present edition.

To the Author, his well-beloved Friend.

Springs nigh their source into a brook extended,
Prove rivers great before their course be ended.
Flowers which their beauty in the bud have shown,
Are found much fairer when they're fully blown.
The lion's paw, a lion's whelp descries;
The great Alcides in his cradle tries
The combat; and confounding his assailour,
Gives a heroick presage of his valour.
Thy spring, bud, paw; this cradle-master-peece,
Say, thy ripe age shall yeeld a golden fleece.

Sub Fœd. Sp.

In gratiam Auctoris.

Nulla Cupressus adest, dempta hic de culmine Pindi est
Laurus in Auctoris danda Corona Comam.
Non opus est Elegis in funere Præsulis, ipsa
Melpomene querulum nil tacitura sonat:
Gratior huic musæ mage dia Urania, et illi
Basia Castalio mista liquore dedit:
Hinc, velut Alcides clavo, plura horrida monstra,
Hinc vates calamo nobiliore necat.
Macte poli decus Arctoi, nam funere ab isto
Vita perenna tibi, fama perennis erit.

Duræus.

De Aureo libello.

Mellea quam sit res oratio, quamque rotundo
Agmine decurrat, blando glomerata susurro;
Quam veneranda novo nunc verrat syrmate terram,
Nunc sublimè volans caput inter nubila condat,
Aspectus fugiens terrena mole gravatos;
Quam rapido torrente fluat, quam Suada venusta,
Quam modulis numerosa suis facundia præceps
Abripiat celeri mentes super astra volatu,
Audieram dudum: prius at non cognita Pythus
Eximia et virtus et blandimenta fuere,

Ante oculos donec dederat scintillula flammam,
Claramque ingentemque simul; quæ et purior illa
Quam præbere solet Phœbus de vertice cœli.
Quæ simul emicuit, concusso vertice cœlum
Intremuisse putes, talesque dedisse sonores,
Quales Pythagoræ finxere oracla renati;
Angelica aut credas fudisse choreumata cantum,
Cantum, quale melos mulsit terramque polumque
Cum cecinere Dei pueri præconia, laudes
Et cecinere hominis de æterno patre perennis,
Sponte sua in terras qui cælo lapus ab alto,
Ut posset miserans cœli reparere ruinas,
Et nos mortales superas attollere ad arces.
At nonnulla meam subit admiratio mentem,
Qui potis Angelicas infernus reddere voces?
Ni lateant furtim dulci sub melle venena:
Sed latet, et gelidum sorbent cum melle venenum
Aurea qui Scorti Babylonis pocula sugunt.

V. A.

De Vate, Authore Libelli.

Omnia Samariæ regi narravit Elisha,
Quæ Syrus occulta gesserat in camera:
Scotorum regi hic vates arcana revelat,
Papanæ celat quæ penetrale domus,
Elisham Syrü, vatem hunc papana requirant
Agmina, sed pariles par quoque pœna premet:
Papanis pariter Syriisque Scotomate cæsis
Lucida pro tenebris spicula solis erunt.

V. A.

In Gratiam charissimi sui amici.

Præsulis invisi jam infamis fama superbit
Authoris genio splendidiore coli.
Strata jacet prorsus tam insurgens gloria, nulla
Gente Caledonia nominis umbra foret;
Si non hic vates celebrasset funera, Papam
Illius Ambrosio dum facit ore loqui.
Fœcundo ingenio certat facundia linguæ,
Nobile materiam sic superavit opus.
Materies præsul te indigna est: Præstat amatæ
Uraniæ, roseis basia ferre genis;
Aonidum immortale decus, tibi serta parantur
Laurea temporibus non peritura tuis.
Inferiæ tantæ mittent persæcula famam
Dum super ætherio valvitur axe Polus.

Jo. Morus.

On the same.

Thy deare Urania fits thy soaring quill
To nothing that's below the arctick waine:
How comes it then, that with such pretty skill
Thou dost decipher Rome's infernal traine?
'Tis that she may from thee make spring a rod,
To whip the prelates and their mitred god.

She'll spare some time (to thy immortal praise,)
To ironize upon their damned plot
For thy refreshment, that with purer layes,
Thou maist her sound from thy melodious throat:
How can thy muse, but choose to be divine,
When sweete Urania's lips in nectar thine?

Jo. More.

To his ever most esteemed Friend the Author.

This pope here lim'd is said to flourish faire
In his nurse idiome, and the Latine tongue:
But here's a wonder, that a sprit so young
Should blow him north to breathe our native aire,
And personate his speech, as here is shown,
That he and his impostors must admire
His raptures and embellisht griefe to heare,
Pour'd forth in sweeter accents, nor his owne.
If his and all his consistoriall traine
Had in a lymbick all their braines distill'd,
It would outstreach their skill, thus to have fill'd
Those sugred pages with so rare a straine,
Of flowred speeches, so this generous spark,
Hath made a light to shine throughout the darke.

Da. Prymrose, J. C.

To his beloved and hopefull Friend the Author of this Book.

Thou kills so sweetly, with thy darrest words,
With powerfull lightnings, and two-edged swords,
Which thou elances from thy thundering pen,
That those who challenge over soules of men
A tyrannie, must humbled all forbeare
To reach thy garlands, or attaine thy spheare:
All other relishes like aloes be
Compared with those sweet flowers which here we see,
Thine high-bred quill, which breathes so gentle fire,
Drunk with elixar of Castalian ire,
Proclaimes the honour of the graces love;
But most thy sweet Urania, like a dove
Fraught with her purer raptures, doth take pleasure
To nurse thee with the influence of her treasure,

Yet here is but a flash, what can be said,
When this Aurore her full beams hath displaid?

T. C.

The Author to Zoilus.

But spare to martyre ingenuitie,
Bold sons of censure; blest be authoritie,
I kisse the scepter's shade, and stand in aw
Rashly to dallie with the lion's paw.
'Tis those base tapers, whose incendiarie breath
Stifles the purer light, poysons to death
The nursing rayes of sacred majestie,
And kills our love-sick soules with jealousie,
Which I blow at; let soveraigntie appeare
The full delight of every eye and eare:
'Tis those usurping spots which do prophane
The moon's sweet face, her comely beautie stain,
I wish were wiped away, and every ray
Of royal power, kiss't by Persian ey.[x]

The Passionate Remonstrance of the Pope, in his Conclave at Rome.

You that are the light of the world, the beauty of truth and zeal, (most holy assembly, to which the title of candor doth properly belong) you fathers of integrity, sons and heirs, as well of my institutions, as designes, whom my holy benediction hath erected to be the ornament of the church, throned in all catholicall graces; if naturall compunction touch you truly, you have found how your most deare primitive mother's heart hath received a late wound from the adversaries, and how a number of impostors are risen up, preaching anew sedition, and drawing her very life-blood, her blood of honour from her sweet tender sides: The fearfullest blow our cause ever felt, the lowdest tempest that ever hereticall schisme could rouse, doth now rage most furiously, and threatens to pull up our sacred throne by the very roots; it hath made S. Peter's tremble, shook the very altar and statues, and affrighted the ashes of sleeping popes: we have certainly gotten a master check, never felt extremity like this; amazement covers us, our infallible staffe doth faile us, and for very feare our mysterious miter is turned paralytick; thick darknesse dwells upon this houre: integrity, like one of Heaven's bright luminaries, by error's dull element interposing, suffers a black eclipse; the locusts of hell are let loose, and if they be not swept away, we may resolve to make bone-fires of all the books of the Vaticane, and let all the religious turne knights errant: it is to be feared my disciples) lest this new-fangled heresie pervert nations and realmes to an open revolt from our spirituall scepter, and these innovators spread over the world, cover the earth's face, and make dark the land like Egyptian grashoppers.

The affront which our holinesse receives, doth the more afflict us, because it comes from that kingdome of Scotland, the most infortunate and inconsiderable angle in the world, a people not worthy to be beloved nor sought after: yet our conscience beares us witnesse, how affectionatly we have offered unto them our apostolicall embracements, but they hated to be reformed. And to the end, that rebellious nation might be brought under, you know how I have most laboriously bestirred the strength of Machiavell, and diligently solicited Ignatius subtilties, who, like a glittering serpent with his resplendent poyson, can most divinely creep into the very souls of the most impregnable common-

[x] "The Persians adore the sun."

wealths, and teach them how to deprive life and motion from us; what great proofes we have had of their dexterities in such convoys, the whole Christian world can this day bear record; how nimbly likewise those emissaries, (fraughted with the same excellencies) went about the great work called The Possession of the World, to make it ours, you have learned by the informations of our secretaries, and addresses of our nuncio's, and may likewise judge by the records of the articles and assurances which they duly dispatch from these parts. The continuall current of that primate's [1] intelligence, who, for his active zeale, deserveth well to be called the genius of the distressed church in England, did sweetly refresh our longing soules with glad tydings, and conceived faire hopes in our hearts. We have justly ripened him with the beames of our favour, and we must all confesse, that howsoever we laid our commands both thick and fast upon him, his allegiance notwithstanding was ever devoted to us in a boundlesse obedience, the humblest, yet mightiest of all filiall duties; full well he knew the language of my intent, and, moved by my sanctimonious breath, he hath propined most abundantly to that nation (and I hope effectually too; for the businesse of the universall monarchy went well on, I saw it in an Egyptian glasse,) the most pure waters which run from the threshold of S. Peter's sanctuary; which makes this good ghostly father, amongst those yet unhallowed heretiques, to be branded as great and prime incendiary of all Christendome, who with the French cardinall tossed kingdomes like tenisbals: we heard he can negotiat most handsomely and factiously, with pleasant subtilty, and bewitching courtship, abuse the infatuate state with delight; he muzles the barking tongue-men of the time; and as cunningly as ever the Florentine monster could poyson the fairest common-wealth of Europe with his politicks, so hath he most episcopally exalted our church hierarchy, and established a spiritual government there, and now happily advanced the opinion of our glory to that eminency, that the two tutelar angels of Cambridge and Oxford, stick not almost to maintaine the myter of equal dignity with the scepter; nay, so good proficients were they in his apostolicall canons, that as boldly durst they kick against the one as spurn at the other: thus were we hopefull to see the old quarrell of the Gwelfes and Gibellines [2] enflame the swords of potentates, and die the copes of English cardinals with the blood of hereticks; for the course which he ran seemed to be infallible, as the prophecies of the Old Testament, immoveable as fate, and tollerat by heaven's connivance: And thus like a cunning catholick, burning with zeal of the great cause, and desirous to bring that fatall and neighbouring nation under our banner, and within the bosome of the church catholick, he fastned upon the most promising and apparent meanes, which our conclave could teach him, and put the same to as assured execution, as if Ignatius spirit had made Pythagoricall transmigration to his venerable brains. For the truly æquivocall father of that church, with his fellow-labourers, the Scottish prelates, caused compyle a service book, (to the great service of our church) wherein were most divinely couched, the true orthodox tenets of the ancient apostolick and catholick faith; but ever opposed by the enemies of the truth in that land; and in this web of their composure, they had so ingeniously interlaced (for though the generals were given out from us, yet we committed the particulars to their owne discretion, respective in times and states,) the sweet embellishments of our art, and the majestie and decency of our missal,[3] that none could well discover at the first glance,

[1] The celebrated and unfortunate Laud, Archbishop of Canterbury.

[2] "Two germain brethren, the one whereof maintained the popes honour above the emperour; the other sustained the emperours dignitie above the popes: whereupon they fought, and the one killing the other, their quarrel was spread thoughout all Italie."—*Original Note.*

[3] It was strenuously objected to the Scottish service-book, that, besides the cross in baptism, the ring in marriage, and other ceremonies objected to by the Puritans in the English book of common prayers, it enjoins several rites peculiar to popery, and not received by the Anglican church herself. Thus it established consecration at set times and with set prayers, directed that the holy water should stand in the font, that a prayer savouring of transubstantiation should be said at the communion service, and that the deacon should on his knees offer up

the girnes of our holy treason, by which we would have surprised the heretick soules, nor the mysterie of the work, unlesse they had the benefit of Gregory the Great, and Bedae's spectacles, or Calvine's perspective, by which he saw the antichrist say masse within the walls of Rome. And those reverend presbyters of these northerne churches, who sought not themselves, nor the glory of this present world, that they might elude the people alwayes jealous of novations, and dally with princes, they advocate authority, and caused animat the book with the strong influence of a secular power. *S'il est vray peut bien est ze,*

This drift walkt apace uncensured, never questioned but in thought, with a whifle or whisper, and what ever disapointment it hath met with since, what ever misfortune hath stopped the current, and very spring of these advancements, and overflowings, it ought not to be imputed to that never enough deserving prelate, who is of the true champ, and perfectly sincere; but these other of Scotland, who were but his Κατεχύμενοι, and Neophytes, have given a little weak evidence of their good breeding in their profession. For the politick institutor had shewn them the true and catholick paths, and mounted them on the chariots of dignity and power. But once elevate to a sphere too high, and not able to sustaine such happiness, powder was not more ambitious when the match met it, than their mindes to mount; which emboldened them to presse our holy will a little immaturely; their preposterous zeal, blown up with supererogation of obedience, did anticipate the maturity of our designes, with an unluckie discovery, to the eternall disaster of those politicians, and back sliding of the great cause; had they gone more softly, they had come more swiftly to Rome; but (good souls) presuming on the faire path of their meaning, went a little rashly on, and brought within the wildernes of an heretical, though national law, by some lines or words dropt unadvisedly out, did innocently hurt the good cause, and gave the adversary advantage by it; had they with an insinuating distance played a while with the eare, and grop't the peoples mindes, and found to what point their blood most inclined, and by strong episcopall reasons violented their soules; had they prepared them with purgatives, before they adhibited the book of missall, too strong for the puritanicall complexion of the Scots, this day we might have gone in procession, and sung *Te Deum*, whereas we now shrink under an abortive wound, and are met to celebrate the funerals of the most important members of our church, and most considerable souldiours of that northern conquest. The sooner they dispersed their novations, and the more imperiously they urged obedience, the sooner they hastened to the displaying of all, and loosed the fair advantages of times and plots. If they had not tempted the eye of jealousie too much, they should quickly have gained, no question, the laicks, sons and daughters, of their meritorious seducements.

But when, before the fulnesse of time, the book pointed out his unknowne head, O how it was most profanely persecute, and how the sharpe invectives, like points of spears, have rent and discovered his bowels! it was abhorred as a leprous brood, and every parrot in the land was taught to raile reproaches, the very children to preach against it, and every mouth could most profusely vomit forth his blasphemies The uncatholical multitude, like the spectacled inquisitors of Venice, durst pick out syllables of heresie, against the canonicall liberties of our church discipline. The laicall judgements durst canvase the mysteries of our conclave, and question our infallibility; but if our holinesse had doubted their skill in cheating of soules, if we had not thought they had been more spaniolized gamesters, we should have taught them the times and secrets of state, and wrought out our holy purposes more softly, and at length found means to make them swallow it over as greedily, and with as implicite obedience, as ever the Turks did their alcoran; but we thought it was no matter of difficulty to recon-

at the altar, the devotion of the people. All which approaches to popery, with several others, are pointed out by the Rev Mr Robert Baillie, in his "Parallel betwixt the Scottish Service Book and the Romish Missall, Breviary, &c."

cile that silly lunatick church with ours, especially since they began to have a communion of words with us, and use familiarly that idiome, which once heard of before amongst them, would have made a whole church fall into a swound, so much did we confide the continuall assurances of our attourneyes amongst them, as the cabinet of my intelligences can well instruct, and therefore our diseased prelates would have done well, sometimes to have throwne into the peoples eares out of pulpits, the authority of councels, and guilded over the rudnesse of their pillules with the homilies of fathers; yet, faithful soules, we know their intentions were merely and purely catholicall, but the affectionat passion to approve themselves obsequious to our holy desires, made them prove too Herculean, that offered to strangle serpents in their craddles, for sooner could the segniory of Geneva embrace the missall, and the abject Valdenses assent to our supremacy, than that cursed crew could be moved to welcome that book of reformation, which we, out of our holy and fatherly care, as supream head of the church on earth, conceived to be the soveraigne way to convey the beames of our purity through the darkness of those ilands, but they had all drunk in such a mortall dislike against it, as no authority was able to restraine the strong inward thoughts of the disloyall subjects, and the hot murmurings, from comming to outward resistances, which all the ecclesiasticall canons could not beat down, nor secular power overcome; thus being a people without wisdome, given over to the spirit of delusion and heresie, which wrought most powerfully in them, and laying aside all subjection of their execrable wills and judgements, infected with that leprosie which they suckt from the arch-enemies of the truth with an immoveable resolution, they combine against their own anointed, and those likewayes whom by the oyl of purity we have consecrate to be the bishops of their soules, and not knowing the principles of implicite obedience, they begin to sift those undoubted verities, which are as old as the sunne and starres, and doe arraigne our catholick apostolicke truths before their tribunall, where our venerable clergy (being the character of our own image) in whose hands we have absolutely put the raignes of ecclesiasticall and secular government, must stand to their determination, and wait upon the discretion of an usurped and hereticall censure. O high impiety! the last of all nations, (whose revenues could hardly afford us oyle to our sallads) is it to them we owe account of our infallible wayes? Shall not they take of our hands, which multitudes, nations, peoples, and tongues, more regarded by heavens than they have kindly accepted? Shall they refuse to drink of that cup wherewith we have inebriate the powers of the world?

No, counsellors and rulers of the earth, though hitherto we have sailed with a very prosperous wind, and were hopefull to arrive at the port of our desires, yet now certainly our designes seeme to be scattered by a thing which they call a covenant, even as the fired ship put in, severed the fleet in 88. For when this black heresie had displayed the ensignes of that covenant, then whole squadrons, legions, and numbers of hereticks, like frogs, were so espoused in their soules to the devotion thereof, that sooner might you blow away the light from the sunne, than pull them from their covenant, or work up their festered judgements to right reason. This accursed covenant, the king of all monsters in religion (which is able to make all other monsters to be unadmired, and draw all number to this only), out of whose wombe, like the Trojane horse, are like to come a furious crew of undaunted hereticks to brash the wals of Rome, gives name to a sect, which no nation ever heard of, and, if we were to translate, we could not finde a word to expresse the same in any language. The strength of our confidence, and life of our hopes, all those rank insinuations and alluring snares, wherewith we had enlived, and informed that book of service, like a serpent, hath got his head bruised with a bolt shot from that covenant; nature seemes to debarr us of all meanes of helpe; and if the sublimated inventions of our policies could serve to restore, yet fortune likewayes seemes to thunder all, and threatens to shiver our machinations;

Hinc dolor, hinc lachrymæ.

for out of the gates of hell doe all the infernall powers rush like a river, whose current cannot be stopt; and who can stay their course: Indeed, as the God of truth, in all the exigencies of the church doth stir up the spirit of truth, to vindicate his purity from the aspersions of the wicked, who love darkness better than truth, so have we found a most gratious and true witnesse amongst themselves; for their own countrey-man, (in whom all courtly and catholicall graces doe reign and throng most eminently) hath with a very good sucesse drawne his victorious and triumphing pen against them and their covenant; we had sufficient hopes that his magnifick manifesto should have curbed the insolencies of these phanatick covenanters, laid open their shame to the world, or restored their diseased judgements, but he hath fallen so many bowes short of his reforming intentions, that, like oyl throwne into the flame, it hath begotten whole generations of covenanters, who will impeach the advancement of our kingdome, more than ever Mahomet, and his fellow Sergius, did obscure Boniface; yet the man hath put forth great strength of wit, his reward doth most duely attend him, he must have some round preferment and corpulent dignity, that he may leade a lordly life, and raile at ease; we must let a beame fall upon him, by which our highnesse useth to keep desert warm, and entertain the life of a holy zeale to the great cause. Certainly he must be exalted, a master piece of man, composed by heavens for a great prince's favour, and kingdome's love; exact envie cannot finde a place, to stick a blot on his person or fame; we do ordaine that never-enough admired book, the whip and shame of covenanters, for the glory of his most doctorall indowments, and reverence of his loyall pains in our service, be translated in all tongues and languages, that his renowne may passe from one end of heaven to the other; for truly he hath most valiantly stood in the gap to hold out this schisme and heresie from encroaching and prevailing; but the practises of these demoniaques are without example, and all language is too narrow to expresse their virulent and aculent humour; for they have torn these reverend names of arch-bishops, prelates, and presbyters, which ought to be used with holy ceremony. They have lybelled, arraingned, sentenced, banished, and O! I'm drunk with rage, that their impiety might appeare in its perfect dye to all after ages, they have excommunicat the right reverend fathers in God.[a] Now my episcopall dignity lyes panting at this wound; here modesty suffers, and all that's virtuous, blushes, and truth's self, like the sunne vext with mist, looks red with anger; mine honour is cast off, as the olive shakes off her flower, it is all swept away at once cast; my refined nostrils doe smell a distracted hurry, great things are a-working either in heaven or hell; here is a state puzzell, this execrable impudency hath given a damnable check to our apostolicke designes, it hath damped up the way of our Catholick stratagems; and if our undaunted power, with the helpe of our sonnes, and executioners, the princes of the earth, doe not obviate the thunder-cracks of this glorious ostentation, and ushering storm of truth's triumph, it will certainly advance with a shrewd insolency to our own throne, and confound the glory of our great name: Nay, we may make ourselves ready for perdition, lay by our purple robes, let kings and emperours returne to their own sacrilegious possessions, and drink in the honour of martyrdome with open throat.

Un brave homme tout a faict, et miroir qui ne flatte point.

Honor est præmium virtutis.

This may turn prophetical.

Sic erat in fatis.

They have placed also propheticall confidence in that their covenant, as David did in his little stone which he sunk in Goliahs braines, and do certainly beleeve (such is the strength of the spirit of delusion) that it shall prove like Daniels stone, hewen out of the mountaine without hands, which filled the earth with the greatnesse thereof: We doe not dissemble, but the fame of it hath made the whole members of our hier-

[a] The general assembly of the kirk of Scotland proceeded to censure and depose most of the bishops of that kingdom. The chief charges against them were, holding the doctrine of Arminianism, profanation of the sabbath by games, or other idle pastime, reviling the covenant, &c. &c. In some cases these were aggravated by irregular living, and, what was still worse, by worship of the crucifix. The bishops were finally excommunicated on 7th December, 1638.—*See* Baillie's *Letters*, vol. i. p. 127.

archie tremble and shiver. And if the adjacent parts to the affected places be not timely anointed with the baulme of gilead, which flowes most luxuriously (both for our service and pleasure) from all the common-wealths of Europe, to our cabinet, as the center of their tribute; it may fortune to endanger the whole body of the church; for it is a most usurping poyson, mortally searching into all the veines; we doe not esteeme that desperate church of Scotland, we abhorre to waste a thought upon that losse, which we value no more than the carbuncle which Clement the Fifth, transferring the seat from Avignon, did lose by a fall from his horse. But these our holy children, paterns of piety and sanctitie, the hope of our consolations in these northerne islands, the great officers of our church, ordained before time to propagate the saving light to a land that dwelt in darknesse, these loyall and faithfull ministers of the truth who have devoted their lives, and neglected the world for our service; these we do justly bewaile with our apostolic teares: It cuts our hearts, that those holy patriarches should have received the crowne of martyrdome in so dangerous a way; for now we do, as it were, stand over a vault of powder, where the match lyes a-kindling below. And which is the bane of our grudgings, we begin almost to apprehend, that the businesse of the covenant shall prove a leviathan scandall, to lye rolling and troubling the chrystall waters of other nations devotions, and to the English especialty (which was wont to be our *puteus inexhaustus)* prove as great a stumbling-block as the altars and idols of Rome are to the Jewes conversion. Here is the true matter of grief, and here lies equally ingaged the life and state of our church. These tragedies will fill the adversaries mouths, and blow the Lutherans cheeks till they crack againe: Now the whole liberty of our church doth suffer; the hope of absolute monarchy begins to be eclipsed; all things move portentuously a strange way: For what ever gracious services, and worthy the fair reverences of their places these venerable soules have done, yet have they nothing effectuat, but wrought out their own death, even as the blind moall, in casting his ambitious hills up, is often taken and destroyed in the midst of his advanced work. Thus, while they were raising the glory of the house of candor, they are suddenly throwne downe, and their building levelled to the dust: And that iniquity might ruine them with a more plentifull confusion, and waste the treasure of revenge upon their harmlesse soules, they have excommunicat them, and delivered them up to be buried under the heap of shame, never to appear again.

Perniciosa consilia plerumque in Authores redundant.

Magni viri, et bene meriti de Reipubl. tandem obruuntur magnis procellis.

Yet all peace be multiplied upon their most episcopall soules, we heartily accept their unfaigned zeal, and pronounce them the well beloved children of the Roman church, though they did not well know how to personate the businesse intrusted to them, and worke out the salvation of the cause with subtilitie and patience.* And here, by the power given to us from above, as the universall bishop of the catholicke church, wee doe absolve them from all dangers of such impious sentences gone forth against them, wherewith they would labor to staine the face of truth, which they call excommunication; and upon the contrary, as really and truely, as ever Constantine the Great gave to Sylvester the citie of Rome, with the territories thereof; so in all sincere profession, fatherly and effectuall love, doe we most heartily bestow a free and plenarie indulgence, for all their veniall and mortall sinnes, to their departed soules, and ordaine them by the authoritie of the keyes of the kingdome of heaven, to be related amongst the number of canonized, who have lost their life, for the libertie of our kingdome; and wee doe solemnly appoint dayes of commemoration to be set apart, wherein a requiem to be chaunted in all the cathedralls of our see to their blessed soules, though the whole artizans of Italy should starve: Never had the calendar of saincts a more noble accession; never had the adversaries more just reason to erect trophees upon our disasters: Let the spirit of division, of shame, and confusion, rage amongst them un-

* "They ought not to lose their soules in his holinesse service, though they have spoiled their fortunes."

mercifully. Wee doe absolve that indocile people from all oath of allegeance, and proclaime a free libertie to any catholike king or republick whatsoever, to invade that kingdome securely. That it may be *primi occupantis*; for certainly we have as just reason to pour out the phialls of our indignation, and fulminate our extorted excommunication, against both prince and people, as ever Alexander the Third our predecessour of holy memory had, when he excommunicat his stubborne vassall, Henrie the Second of England, and brought his royall and haughtie pride to that ebb, that he was constrained to receive his crowne and confirmation thereof from us.

But what? (invincible souldiours in our spiritual warfare) though there be a deadly overthrow given to our best resolutions; though the king of that scurvie covenanting land,[1] like a lyon rampant, with a daring courage, holds out his inexorable sword for the advancement of that fatall reformation (as they call it) though those wanton hereticks do now insupportably insult to see him an arrant covenanter, and glory more therein than all the gold of India; though now they triumph most prophanely, and think they have victoriously banished all novations, and barr'd out all dislikes, with the rampart of an everlasting civill sanction, and have enthroned their heresie by a municipall law to be idolized for ever: And though likewayes it were almost as easie to blow up the whole isle of Brittaine to the moone with a powder traine, as to divorce the princes abused soul, from those inward and malignant heresies which have been propagate to him from his uncatholicall ancestors; though the most pregnant insinuations have proved almost ineffectuall; and though the dazeling pompe of the neighbouring churches and kingdomes of the world, can nothing invite him to be mollified, and sweetned toward us; but, like an adder, he still stops his eare at the voice of the charmer; and though the alliance with the most potent and christian French king can nothing serve to inveigle the eyes of his mind; though (my dearely beloved) all these heavie verities discover to us, many and huge mountaines of impediments, which will be hard to remove, let us gird up our loynes notwithstanding.

Consiliariorum impetus, sæpè abripiunt bonos et moderatos Principes.

Let not us, who are the soule and light of the world, submit ourselves and our cause to the tyrannie of despair: Recover our game; that handfull of hereticks are but as a schismatick pawne in the play; high impietie and blasphemie it were against the apostolick seat, to think the splendor and honour thereof could be interessed and clouded by any thing from these parts; for though ordinarily all evil flowes from these turbulent climats, and the Gothes and Vandals have sundry times made inundation upon our patrimony, and most profanely troden under foot our domicell, Italy, the lady and mistris of the world, though oftentimes emperours and kings of the earth have shaken their scepters upon us, and offered to set bounds to our unlimited powers and desires, yet I hope we are as able to wind about the sacrilegious designes of secular and hereticall factions, as ever any of our holy predecessors.

Omne malum ab Aquilone.

Wee know perfectly how to begger kingdomes, by dissimulation, unjoint the faire frame of peace, and traffick, poyson alleageance too: And the transferring of empires, the ruines of kingdomes, the excommunication and deposition of kings, and devastations by fire and sword, are the ordinary marks and characters (you know) of the great statesmen of our order, who doe indeed most canonically hold, that these practises are most lawful for them, conducing to the growth of the church, and vindicating our temporall jurisdiction over princes. Let us not therefore faintly give over, but solace ourselves, with memory of great policies past, wherewith we have chastised emperours, kings, and princes, and redacted them to the obedience of the mother church: what

[1] The covenanters, even in their most angry mood, professed the most profound veneration for the king's person, and differed essentially in that particular from the English independants. "Had our throne been void," says their prolocutor Baillie, "and our voices sought for the filling of Fergus's chair, we would have died ere any other had sate down on that fatal marble but Charles alone."—*Letters*, vol. 1. p. 179.

ever we shall happen to lose by battell (as Matchiavel records of the Venetians, who know all the removes of their game,) let us labour to recover the same by treatie and be still labourers in the great worke; let us assemble all the powers of our soules, and combat the cause.

I'll alambique the Sorbone genius, and squize the substance of all the common-wealths of Europe, ere I finde not a Catholicon, and soveraigne elixar for this new sprung poyson, which, if the pride thereof be not counter-checked, is able to defloure the glory of our whole church: No, no, those who will not gentlie resigne themselves to the embracements of the ancient apostolicke truth, which we are sent to offer and preach to the world, as the great pastor of the church, must certainly be broken: And before our miter be not adored by all, amongst nations, tongues, and people, I will first thresh the mountaines and islands of the world with a fleal, I will beat them to powder, and fanne them before the wind of my wrath, I will arme the princes of the earth, and cause them to over-turne them, that they never appear more than the monesteries which are sunk about Venice.

[The following copies of recommendatory verses occur in the Edinburgh edition of 1641, between the Passionate Complaint and the Cardinal's Answer.]

Aliud.

B B.—Charon have ov'r the ghostlie fathers come
To thy torne boat, and their eternall home.
Ch—Who calls the ferryman of hell? B. B. It's wee
Prime statesmen of the Roman prelacie;
Bring not thy scurvie barge which looks so thin
As any cloud, as old as sunne and moone.
Ch—Di'lles in these prelates pride, they'ave left the earth
Into a fair combustion; after death
They're come the very hells for to confound,
And our infernall common-wealth to wound.
Enter right reverend, many Catholick kings,
Popes, monarchs, which this nimble vessel brings
Each hour, into these fatall mansions, doe
Embargue without a scruple: What are you?
Come, good my lords, you must be rul'd by me,
You had your time, now take your destinie.
Though your big-bellies could engrosse a coach,
Yet if your soules sink, I'll byde your reproach.

To the Auther of this Second most flowing and praise-worthy Speech.

I thought, deare friend, that first essay of thine,
Which thou to me so kindlie didst propine,
Should prove the period of thy precious pen,
A pause, to which thou could not reach again.

But higher still thou springst, and I do find
This second birth the modell of thy mind,
Like to a cleare spring powring forth his drills
Which sweetly glyding through two neighbour hills,

With fertile motions meadows overflow,
Till they turne streames, and streames to rivers grow.

So that transceuding inexhausted vein,
From forth the treasure of a fertile brain
Distills such nectars of renewed store,
Are sweeter now, though sweetest of before.
And so no doubt, these rivulets so clear,
Shall of full growth faire rivers once appeare.

M. D. Prymrose. J. C.

An Answer to His Holinesse's Remonstrance: By Cardinall Antonio di Barbirini, in the Name of the Rest of the Roman Clergy, in the Consistory at Rome.

Most holy father, to whom we convert our humblest duties and sacrifices of our devotest thoughts, great monarch of the church, to whose glory do all our actions bend as the last scope of their advantage, We do most passionately condole the just anguish of your afflicted heart; certainly our imaginations are so strongly seazed, by the shaking of these turbulent times, that wee have almost resigned the whole powers of our soule to feare and wonder; our tongues are captived, and chayned up without a sound.

Wee can beare record, that your holinesse, like heaven's glorious luminarie, hath bountifully diffused the warme beames of puritie through the whole church catholicke, and every place thereof: You have not onely guilded the tops of the mountaines, and made the tall cedars of Lebanon to laugh, swelling them with the graces of your nursing favours, but have likewaise daigned to visit the humble vallies, and made the marjoline and myrrhe finde the benignitie of your favourable aspect, and the influence of your apostolicke entertainments.

Thus like the soveraigne Good, who delights to communicate his all embracing sweetness, you would extend the skirts of your favour upon the most neglected parts of the world, even that fatall kingdome of Scotland buried in darknesse and ignorance. Wee that are the cabinet and depositary of your secret workings in the misterie of your episcopizing, doe well know how you have been (as it were) hotly courting that silly people, and with what a fatherly zeale you have wooed that rebellious and gainesaying nation, which hath answered the hopes of your long-wished joy, with the high anatheme of a cruell covenant, and a furious combination never to bee dissolv'd against your holinesse, the great officer of the church, Christ's vicegerent on earth, and all the maintainers of the articles and ceremonies of the Roman faith. We wish our heads were waters, and our eyes fountaynes of tears, to weep for the calamities of our mother. The fears of heresies encrease, and all our disastrous disappointments, which your holinesse, out of the plenitude of your wisdome, and spirit of sagacitie, hath most divinely laid open to our weary soules. Wee are fallen into the ends of the world, and persecution must come for the elect's sake. Now the wicked and hereticks doe hold the church by the throat, and now wee must move every oare, straine all assistances, solicite all our devoted crownes, and send forth the kings of the earth like victorious Hercules, to destroy the pullulating heads of this terrible and herettical serpent, and to suppresse that all-spreading covenant of Scotland, the most horrible invention and usurping monster that ever hell hatched: It hath appeared like a blazing comet in the north (with themselves may the event dwell of the portentuous presage) and hath in many, who were otherwaies in a pretty aptitude, and maturity to be good catholicks, stirred the spirit of curiosity, which may marre implicite obedience, the subversion of which article will make the whole frame of our mystery to crack: A dangerous perspective for laicks to

Qui malè facit odit lucem.

looke into our consistory *Per Madonna santissima di Loretta.* When we fall upon the businesse of that northerne league, and the ensign of the covenant displayed, we loose ourselves, and cannot plumb that deep; it hath affrighted us like a lightning, made all the Christian kings start up on their feet with an, What is it? It is surely a thunderbolt, broke upon the very head of S. Peters, and proudly entring, hath overturned the alters, throwne downe the images, dismantled the beauty of the church, astonished the whole ligators of our Mosaick workes, and profained the whole glory of the temple. A speare it is, which, thrust through the bowells of state catholicke, hath dared the very heart of spirituall monarchy.

Your holinesse, whose vigilant eye, doth most laboriously survey the conditions of times and states, and with a fatherly care watch over the crowns and scepters of nations, hath in trueth and strength of passion, most episcopally discovered the monster begotten by the nimblest witted divell, nurst up in these northern desarts, and destinat to measure the world with his quaint paces. Wee doe feare that by the sting and tayle of a scorpion, it shall naile the tender church throw with shame and torment. Let us provide it cast no venome beyond seas, for then shall it mount over the Alpes, and with his poysonable attempts, presume to assault your holinesse's own domesticks: Neither shall the proud Pirennees keepe it from thrusting in to Spayne, the most intemerate and immaculate place of the church body: It will mock the spectacled fathers of the inquisition, and creepe there invisible like *Fratres Rosæ Crucis.*[1] And no *Index Expurgatorius* (which, like the purgatory fire, we have ever with cathollical lenitie used, either for mollifying or eradicating other monsters) will serve to correct or banish this one. Truely, those diseased prelates (holie father) have spun us no fair thread, nor have they proven grand sophies, when, by the conquest of that poor kingdom (which would never make any considerable accession to your revenues, but was like the drop to the bucket) and promoving immature novations, they have occasioned too innocently the losse of our game, and endangered the myters reputation.

If these perturbations doe once come unto a deep working, and beginne to extend their prophaine petulancies, we fear your holinesse, whose all adored miter made prostrate crowns to tremble, and scepters shake, may bee glad to bee sheltered in S Angeloes castle, or run to the hornes of the altar; and wee the suns of harmonie, who are the carbuncles which adde splendour to your spirituall crowne, must betake our selves to the favour of times and fortunes, and leave our goodly dignities, with the fat of their corpulent affluence, to the devotion of sacrilegious souldiers.

Nay, certainly, if this swelling combustion do but offer to staine the serenity of our heavens with any smoake, and stifle our purity, wee are all confounded, wee are all blowne up, and the kings of the earth, the powers of the world, and every soule of man, even the begging Capuchine, who can glory of nothing but his venerable beard, his chapplet, and torne breviarie, shall regard your holinesse no more, shall give you no more bended knees, nor sacrifices of real and spirituall tribute, than to the man of the moone And you knowe, most catholicke monarch of BBs,[2] if those golden floods, which doe most proudly play upon the philosophal stones of your Vatican, be once withdrawne, and call'd back to their tributary sources, (to which you have as undoubted and irredeemable a[3] right, as to those very omnipotent keyes which you carry, and to the monopolie of all benefices, which you have happily engrossed to your most archiepiscopall person) we cannot but faint, who are fed by the refreshments of those streames: Our cardinall caps, bestowed upon us by your holinesse as garlands of our honour and eminencie, must needs wither and fall away, and remove the suns

[1] The Rosicrucians pretended to have intercourse with the spiritual world, and the power of invisibility.
[2] Bishops.
[3] "By the right of merite, and the salique law."

beames; where shall his glory be? If we, as so many earth-treading starres, who adorne the sky of your state be stript of our beautie, if wee shutt and fall, in what *primum mobile* shall your sanctity shine? Wee are set about the seate of your majestie, as summers speckled flowry garment, and if wee bee blasted by the injuries of tempestuous times, what shall embellish your holinesse: These are heavy trueths: but under the rose be it spoke, *Santissimo Padre.* Some blowes wee have received, more are feared; heavens and earth doe know, and all courts, all churches are filled with the fortune or misfortune of the great businesse; that abortive service booke, and those canons, have shamefully disobliged the church catholick, and with their roaring, have awaked and disturbed all Christendome, and turned their sulphurious throates against their makers. There are certainly some ungracious uncatholicall planets raging, who have powred forth the malignitie of their venomous influence upon your reforming and fatherly undertakings. The heavens distill their sterner frownes, and threaten us with their baddest aspects. Wee were ready to teare the clouds with bells ringing, and priests singing, and thought the smoake of our bonfires should shortly ascend to heaven, and staine the sunnes face. but, holie father, it's no time for quaint speaking; we ought not dissemble, nor use indulgence to our wound. Let us mittigate and rectifie our woes as cunningly and quietly as wee may, the spate of disastrous calamitie hath almost drowned our faire hopes in despaire. A cold feare sits black on each of our hearts; we have not beene well inward with the mind of destinie in the businesse of these northern negotiations. It seems we have not been sufficiently assisted, but deserted in this particular: consult the prophesies, set your astrologitians a worke; may be you finde (but heavens blesse the church catholicke, and avert) that some of these northerne princes have *Capricornum ascendentem in Horoscopo*, which is, and hath ever beene the most fatall and malevolent signe to the Roman empire in all the zodiaque: and for the trueth hereof, Wee call the times[1] never to bee forgotten, and histories of all ages, to witnesse: from thence, indeed, doe the first cloudes appeare: and as in your holinesse remonstrance was piously observed, all propagations of empyres, all irruptions and effusions of people, are ever found to have been from the[2] north to the south. If this bee the inclination of our averse spheares thus unkindly to use us; if this be the purpose of him who beholds the ends of the world, to present this cup to the Romane prelacie, and put our spirituall kingdome, which wee beleeve shall prosper so long as the heavens cover the earth, thus in jeopardie; certainly those uncircumcised lyons will teare us to pieces, and make banners of our catholicke skinnes, and scratch your myter (whose shaddow was reverenced by princes of the earth) to very contemptible and forgotten atomes, and powder your supreame self in Luthers barrel: they will sacke your citie, the queene of the earth, tread upon the worlds trophees, and fill the holiest place with abhomination of desolation.

Uno dato absurdo, multa sequuntur.

To t bellemen Messieurs.

Where ever wee send foorth our enquiring eyes, they report nothing from all the corners of the world, but sad entertainments of these feares, and appearances of mutations from that kingdom of Scotland, (which is now most desperately diseased of a swelling tympanie, or some pluresie, incurable but by the voiding of that prevailing bloud, which over rules or offends the head, and choakes the heart,) as the source of our reproach, the fountaine of our shame, doe wee deryve the streames of our injuries and calamities, and to those all despised hereticks likewayes do we justly impute the advancements of the same. Your holinesse ever solicit to gain that which is lost, had emitted your faithfull labourers, and planted a vine,[3] which for the time was very lux-

[1] "*Imp. Carolus V. Frans. Rex Galliæ, Carolus Corbonius Cosmus Med. Florentiæ Dux.*"

[2] "*Assyrii vicerunt Chaldeos, Assyrios Medi: Græci Persas: Romani Pœnos: Gothi Romanos: Turcæ fregerunt Arabes: Tartari Turcas: Angli Gallos: Scoti Anglos.*"

[3] "The service booke, which produced most soveraign and generous grapes."—*Original Notes.*

uriant, and did proudly spring like Jonas gourd; but, alas! that unexpected poysonable worme of the covenant hath encroached upon the heart thereof, and vowed to suck out the very soul of it.

Eheu quam levibus pereunt ingentia causis!

Nay, this worme is like to bee metamorphosed in a flying dragon, and infest the whole Christian world. Your holinesse did mercifully elance a saving beam upon that Cimmerian land, which was kindly welcommed by those who had submitted themselves to bee doctrinate by our fomenting[1] suggestions, and it did most effectually animate them to great performances; wee were made hopefull to see the day break foorth gloriously, for the cocks fell a crowing, which told us the nights departure, yet have they maliciously closed their eyes,[2] rejected the lights comfort, and most bitterly banished those faithfull evangelists, nay with a more perfect hatred and meritorious violence than ever Loyala's tribe was turned out from among the straight-lac't Venetians; and now they thinke (reprobate soules) that they have reproachfully mounted them as it were on the asses of indignitie, and send them to the land of Nod with an *Ecco la fico*, yet nothing so, but the pale horse of a civill and temporall death at worst; upon which, triumphing martyrs, they have entred paradise, and necessary it was, blessed father, that they should bee removed from the contagions and conversation of the wicked, that when the deserved devastations and devourings shall break forth in the fulnesse of their rage, they might laugh at their persecutors in the day of their destruction: thus was the good Josias called to his eternall home before Babylon's captivitie, and the most catholicke bishop S. Augustine's death, like a gentle starres fall, did forerun and point out the subversion of the city of Bone. Those are the ramparts of the church, which must be taken down, that the inundation of desolation may burst in and swallow the trophees of insulting heresie; for even as the sagacious swallow doth retire her young ones, before the approaching fall of the crasie vault; so are the blessed souls, heaven's minions, promiscuously confounded with the tumultuous heroicks, singled by, and lift above the reach of danger, before the publicke ruines. All these impieties and oppressions have no more harmed, than if a man out of his fury and anger would thinke to afflict and drowne the harmless captive fish by throwing it in a river; for wee are bold to perswade, in the courage of victorious spirituall souldiers, that all these sentences, excommunications, extrusions, and other furies, whereby sacrilegious blasphemie hath exerced the height of tyrannie against trueths heraulds, shall prove in end like Sampson's lyon, out of the strong shall come sweet, their righteousnesse shall spreade as the morning, and their glory shall be terrible as an armie with banners: though they now sleepe, yet it is not to the death. Indeed, fortune for all this hath dealt us a very bad game at this tour, but yet a little, and the cards shall bee shiffled; they have refused our saving and catholick curtesies, and kickt againe, they have affrighted us with lightnings; but may bee, wee shall crush those terrestriall heads with thunder, and blow away their designes as chaffe before the winde: and though the Lutherans and our adversaries doe fatten themselves with their insultings over us, and thinke we have so deeply tasted the bitternesse of that last overthrow, which our catholick friends,[3] your holinesse's nimble executioners, and those likewayes of your holinesse's own familie did latelie suffer by sea, in advancing your evangelicall intentions; and though they stick not to flatter their abused souls with this confidence, that now there are no more Constantines to be found, who dare hold up the banner of the crosse,

[1] "Their eyes were anointed with omnipotent baulme."
[2] "Light is sown for the righteous."
[3] "The Spaniards and Italians."—*Original Notes.*

nor any to march under the same, yet must we be espoused to new resolutions of recovery, and let the triumphing snakes duly find that our arms are not shortened, our wings are not clipt, and that neither are the kingdoms subjected to our two all-commanding swords, exhaust of the true faith's defenders; nor India and Peru, yet prompt of red and white earth, which shall produce us children to maintain truth's garland, even in the midst of our enemies, for our chymists are excellent operators, and can extract the soveraign baulm, and very effectually apply it to the suspected places, which being cunningly adhibite with the concurrence of your apostolike benedictions and encouragements, wee have seene have such a powerfull operation, that it hath never ceased till, awaking an intestine discord, at length it hath cast out all rebundant and noxious humours, and expelled the root of the disease. And as to that little shuffle which our apostolicke navy hath received, partly by the indiscretion of the sea, and uncurtesie of the windes, (for among these Hugenotes the very aire and water are puritans) and partly by the neglect and connivance of princes, bee it knowne wee have already digested that little tickling pill of misfortune, as clearly as wee have eclipsed the memory of the [1] crescent in 88.

But here we spare to stretch ourselves on these regates, your episcopall providence will smell the storme afarre, looke to the prevailing thereof, and find out the most powerfull meanes to elude the dangers of these tumbling times, that the afflicted church, as the lilly among thornes, may looke sweet and glorious as the moone in her full pride: Yet, by the presumptions of times, one thing seemes to bee sure, if wee might see fates booke, the senate house of planets hath at no time beene more unfriendly set for the acting of some strange trage-comedie in Europe.

Which makes us call to minde the pernicious prophesies of those unchristian dames, those Sybilles, who, like phanatick Syrenes, have intoxicate the world, and so strongly possest the soules of those who are conversant with curiosity, that many good catholickes, and of high endowments, poysoned with their Greek musick, doe entertaine secret opinions and fears of a very fatall period, ordained for our spirituall kingdome; for in those their prophane invectives, and hell-blowne satyrs, wherewith they have persecuted your holinesse's throne (as the spirit of delusion doth cheate the worlds beliefe) and your seate; this citie likewayes (which looks like the moone amongst the lesser starres) though shee bee stellified to heaven, yet those unpure spirits, with their usurping uncatholicall pens, have presumed to lay her horne in the dust; and they have presented the map [2] of aftertimes (to those who will idolize their oracles) so farre to the disadvantage and shame of your holinesse's high calling, that all the resplendant rayes of our dazeling pomp, wherewith we have obfuscated, even at a great distance, the rest of nations, must bee drowned for sooth in the smoake of an utter ruine and endlesse confusion, your holinesse's purple, and our scarlet roabes, wherewith wee darkned the eyes of beholders, and enamoured the admiring stranger, by a prophane and poeticall fury they have turned over our heads, and rejoyce to have our nakednesse display'd to the world. Surely a strange enthusiasme in these feminine braines; yet these times may fortune to renew the ideas, which those chimerick impressions have given to the more facile soules, who are easily carried about with every winde of beliefe; for now there is a great unconstancie and certayne kinde of branktings in many parts, even amongst the sons of your institutions, heires of your unmeasured designes, expectants of the blessed chaire, and those, on whom Ignatius, and Matchiavell, the two genius of the myter, had powred a double measure of their spirits.

Spirituall and temporall counsellors.

Every alteration in states, even to the better, your holinesse knowes is dangerous: And whether the newes of this great change, of a patriarch to bee set up in France, have arrived at your holinesse ghostly eares, or not, wee are ignorant: You may de-

[1] "The armado which came displayed in forme of the moone crescent."

[2] "In the second book of the Oracles of Sybilla, at this part---*hominum tu denique seclum, existes decimum.*"
Original Notes.

scend to view what face the purpose hath, and try the pedigree from whom it came, and whether it goes. Out of the profundity of your infallible judgement, your holinesse can obviate the impertinencie of any event, and devance the consequence of this springing. You best know, what conduceth both to the glory, grouth, and indemnitie of the church, and for the honour and majestie of your own throne: But truly, wee the fathers of the conclave, doe thinke it to bee a very strange boutade, and a labouring designe, pregnant with many monstrous productions; and that his vehement and polypragmaticke spirit, through the insolencie and indulgence of a swelling fortune, cannot rest, but making eruption beyond the limits of his vocation, with an inordinate appetite of glory, shall aspire to the top of the pyramide. Such exorbitant humours are most apt to confound the order of geometrick proportion; and being voyde of a politique mansuetude, indocile or blind obedience, lovers of mutations, are most fertile of emulations, and civil warres, and oftentimes involve all in a dolefull conflagration. This (as many other emergencies of these times) seemes to bee the beginning of a deviation, which cannot end but in apostasie, especially among that nation, which doth ever please itself in changes; could not, holie father, all the crownes in France serve to stay his vast ambition, unlesse he had something above his cardinals coronet likewayes? Presse into the inner cabinet of these designes, there your holinesse may well finde something, which cannot bee consistent with your myter.

For though your holinesse hath now obscured the brightnesse of the patriarches of the east, and hath erected your apostolick crest to that unparallell'd height of pre-eminencie, from whence you doe stately overlooke them, and all other churches, even as the mountaines of Ararat, whereupon the arke rested, lifted up their welcome and triumphing tops above the decreasing waters; yet the appearing of this patriarch, as of a new unknown starre, may beget a desire in the laicks, to study the motion of our heavens too officiously, and so run the hazard of revolting heresies, in their supererogatory contemplations. For your holinesse cannot forget to remember, that howbeit by the Florentine and Laterane councells it was unanimously and canonically concluded, that the foure patriarches of Constantinople, Antiochia, Alexandria, and Jerusalem, should receive their mantle, the signe of plenitude of their pontificall dignitie, from your holy hands, and after the order of the assigned precedencie, tender the oath of allegiance to the Roman prelate, at whose appearance in his fullest grace, they must put up their beames and disappeare; yet they have alwayes had protestations of reluctancie, and rebound to the title of their patriarchall dignitie, holding themselves isopresbyters, composed of that same stuffe whereof popes are said to bee made, and can hardly bee induced to humble themselves to the dependance of a derivation, or be restrayned from transcending the category of subordination: nay certainly, it doth relish too much of an exemption from the Romane sea, and study of monarchie: wee should not have wondred so profusely to have seene such hierarchiall ambition, point out his presumptuous head, in the remoter parts of Brittain, and Ireland beeing so farre distant from the influence of your pacificke scepter, (the advancements being there but very greene as yet,) not attained their flourishing lustre; for even as the windes and raines doe exerce a mutuall rage, shooting foorth their luxuries in the lower parts of the ayre, where they raigne in their turbulent kingdome, but in the higher regions thereof, nigh to the fires orbe, and approaching the sunne, no motion, no agitation, but a gentle calme doth continually dwell; so certainly in those forgotten and barbarous places, not apt for the spirit of obedience, the true author of peace; no wonder there bee commotion and scandals: but in France the very myter's eye to build altars of offence, may beget a storme, which will force us to pull downe our sailes, if we escape shipwracke: and if the Pagan souldiers made scruple to use Christ's reverend roabe so rudely as to teare the same, how deservedly ought they to bee redargued, who prepare the renting of his sacred bodie, the church, with their ambitiously swelled zeale?

The crying necessities of these times, which looke too sullen, and the exigencies of the affronted church, if there bee pitty amongst us, and holy zeale to vindicate her credite, would wring from us poyson to kill all the policies of Europe. Yet (holie father,) though the powers of heresie should combine and concentrate their malice, though the frame of the universe should be disjointed, we have a never-failing promise, that the gates of hell shall not prevaile against us. Heavens great substitute, absolute father of the church, if ever power did shew a masterie in you, let it now appeare, and make the redacted world stand amazed.

O nimium dilecte Deo cui militat æther,
Et conjuratæ curvato poplite gentes
Succumbunt———
Tu ne cede malis, sed contra audentior ito.

Ecclesiastæ volunt esse monarchiæ.

There's elixir of braine and spirit amongst us, and the God of riches lies imprisoned in our cabines and monasteries. Let us doe any thing to rule alone, though it be very rare to see the world ruled by one: the most proud and obstinate resistances are aloft, and now a dayes women's soft soules are wrought up to a masculine malice and resolution, for persecuting truth, and hugging error; therefore make your wrath likewise to swell. Extend your mighty armes, call up the princes of the earth, let the sounds of your alarum be heard from one ende of heaven to the other, and straight behold the kings and potentates, like children of obedience, shall forsake their palaces out of a filial submission, and leave their stately magnificence to bee possest of solitude, inhabited by bats and owles, and entrust their dearest queenes to the benevolence of churchmen and eunuches: then will they muster their force, employ their scepters, and straine all the nerves of their kingdome for the well of the cause catholike.

Flectere si nequeunt superos Acheronta movebunt.

Let it alwayes be the chiefest of our cares, the first of our desires, to hold up warre immortall, ever to trouble the calme of peace, to shut up the seas, to disable, to disjoyne, to inspire our emissaries and incendiaries, with the spirits of dissimulation and division, to infold all state policies in confusion, to choke all, to inflame all with a most catholike combustion; for certainly some cruelties are better and more necessary than silly improfitable mildnesse, which, like a cold and barren quality, can never mature the churches growth. No. no, the braying of canons, the dawbing of drums are good catholicke musicke, by which our apostolick expeditions use to advance the spirituall kingdome, and goe in procession through the world; our motions must be restlesse and busie, like that of the heavens, every one bestirring himselfe in his owne spheare; and your holinesse, with most grave and venerable alacritie, will give the strong impulse. Wee in the consistorie, and those ministring and subtle spirits of that rich seedplot of Sorbone, shall come such riddles, and shall so inveagle the heretick soules and churches, that kings shall find themselves enough puzled. From this holy citadell, this impregnable capitoll, our spirituall engineeres, who are most canonically bred, and authentically practised, shall through such fierie balls among nations and people, as those that dare oppone truth's candor, shall be put in a terrible damp.

From the conclave.

Go to (holy father) move strongly, as becomes the state of your courage, and in a high sweld metropolitan confidence, blow downe the strong holds of errour; remove the isles out of the sea, and shake the mountains that stand up so heretically against the promised, the prophesied reformations to the faith catholike; never unbend your infallible bow, till you have hit the conquered marke of your most evangelick intentions; our adversaries must not erect the trophees of their ambition upon the ruines of our reproaches. Wee will first fetch the compasse of the world, and conglomerate our undaunted forces, like a destroying and inexorable tempest, to sweep away truth's

enemies. All our convents shall first be turned into fencing-schooles, before the great cause be disgraced. We will defend mainly, engage our very crucifixes, and hypothecat our cardinals caps, before the mitre's honour be any whit touched.

But now, because many incumbrencies advertise us to dissolve, and some strange embassadors attend your holinesse, from whose bosome they come to receive apostolick directions, to lead them as a starre in the way to the hill of greatnesse, where the laurells of triumph doe condignly attend them: we forbeare to presume on this times importance, onely daring represent to your holinesse, how necessary it is to imploy pens, policies, and power, to rack all our might for advancing our holy intentions, and breaking the clouds of errour and heresie, which are like to over-spread the whole world; consider how the crying necessities of our bleeding primitive mother doe implore the same: in the mean time (till your holinesse have more precious leisure to bestow upon further catholike resolutions) let there be a grand apostolick nuncio dispatched, upon the wings of speed, to the isle of Britain, (if there bee any courtesie to receive him there worthily) even strongly assisted with the spirit of truth, which your holinesse's predecessors did usually send to the Tridentine councell for the actuating of those infallible members, and extirping of heresie. Instruct him deeply how to proclaime to the world, and write it on the skie with letters of gold never to be forgotten, and print it in the records of histories to all after-ages, that though religion bee the common pretence of discontent amongst these untamed hereticks, wherewith they use to maske their unbridled licence, their affronted boldnesse, their high contempt of soveraigntie, and dare commit any impiety, guilded with the lustre of sanctity; yet nothing is so strongly desired, nothing so truely intended by them, abhorring the order of subjection, than to shake off the yoke of monarchie, and breake the cords of spirituall and temporall jurisdiction, with the spring of their desperate frenzie.

Well blown seignior.

It will not bee expedient, likewise, to cause some others, who are enriched with the strength of more abilities, and do cunningly know how to creep into the mindes and cabinets of princes, and take dominion there, be sent forth with all convenience, for subverting the machinations of the Matchiavilian Calvinists: let authority, lords of power, and masters of time be taught (for clemencie is the nurse of rebellion) how to presse them downe with weight, though the conspiring crew that breathes nothing but fire, and vomits blasphemie, who hath consecrate their estates, and espoused their neglected lives to the lust of revolting, should crie out violence, and rigour, and crueltie, and tyrannie, and craft, and malice; for those things have been the soveraigne and effectuall ways of our enlargings, and it is the mysterie of greatnesse to hold the inferiors still ignorant of it, and strike like lightning and thunder.

Moreover, because the seditious furie of the unruly multitude (even as a tumbling flood acquiring strength to it selfe by moving, carryes all it meets before it in a precipice) doth waxe to such a prevailing strength as none can hold out against the bitternesse of the tempest; therefore let us work wisely, and as men use to disappoynt the over-flowings of undaunted rivers, by branching them in little weake rivulets, thus to extenuate the impetuositie of the maine streame, by diverting the fulnesse of indocile waters, and turning them aside. So must wee (in a degree more than becomes supremacie to stoope) flatter a while, and nourish the hopes, and entertaine the desires of conspirers, distract the mindes of the multitude, weaken them by the breach of union, and delude them most egregiously; for so long as those conventions rule, whereby the consent of the abused people receives most poisonable aliment, and they become fortified in their errour, then each provokes another, even as the billows of the inraged sea are driven forward by their urging and importune fellowes.

Therefore must it bee amongst the first of the articles of your attourneyes instructions, exceedingly to labour this point, that those their great councels, infallible assemblies, and unwarranted synagogues of hypocrites, bee most divinely impeded; and

that the parliaments bee broke up, and crushed in the bud, both in Scotland and England, for those confluences of demure divells, have ever given us the greatest dash, and beene the very bane of our agonies.

Wee hope withall, your holinesse, out of the bowels of pittie, cannot forget the miserable prelates, your faithfull labourers. It is indeed their fortune, (through too eager and unadvised zeale, to the glory of rising altars to your holinesse's purposes, in that land where they lived) and not their fault, that thus they are left in the wildernesse of times and povertie; make them taste, therfore, of the sweetnesse of your remembrances; for it were high indignitie to your holinesse, the prince of bishops, to let those silly soules engage their surplis and service-books for the maintenance of their laborious lives.

Amongst all other expediences, here is one likewayes which cries extreamely, that since we had very justly anchored our best expectations upon the northerne cities of that rigid and infortunate iland of Scotland, where indeede the religion pretended was never perfectly welcommed,[1] and that by our last intelligence wee have learned they[2] have likewise joyned hand with impietie, and divorcing themselves from the loyaltie of the great worke, have entred the dance with the rest of the giddy hereticks, neglecting our resentments of most catholick services done, and our encouragements to persevere, that yet notwithstanding there might be some zealous invention and spirituall stratagem found how to regaine them, and to redeeme them from that deserved perdition which followes heresie.

And as to the parliamentary stage-men, who do now personat so bravely, we hope, before they come to the last act of the play, where they trust to bring in your holinesse as a mytred boufoone, if there be any soule amongst us, we shall do our best to make their dalliance epilogue in a tragedy, and overturn the stage upon the actors. The lords of the parliament.

Intelligence from the Apostolicke Nuncio, Il Conte di Rozetti,[3] now residing at London, to Pope Urban the Eighth.

May it please your Holinesse,

The humble zeale to acquit my selfe loyall to your apostolick employments, and the perfection of that great worke for which I was sent hither, made me hasten with my

[1] The northern parts of Scotland, but especially the city of Aberdeen, received the covenant with extreme reluctance. Spalding's Memoirs, the minute but interesting record of the events of the time, gives a curious account of the insolence of the commissioners, who came, in 1638, to press the covenant upon the city:—— "Upon the 20th day of July, the Marquis of Montrose, the Lord Couper, the master of Forbes the laird of Leys, the laird of Morphie, Mr Alexander Henderson, minister at Leuchars, in Fife, Mr David Dickson, minister of Irvine, and Mr Andrew Cant, minister at Pitsligo, as commissioners from the covenanters, came altogether to New Aberdeen; the provost and baillies courteously salutes them at their lodging, offers them a treat of wine, according to their laudable custom, for their welcome; but this their courteous answer was disdainfully refused, saying, they would drink none with them, till first the covenant was subscribed; whereat, the provost and baillies were somewhat offended, and suddenly took their leave; caused deal the wine in the bead-house among the poor men, whilk they had so disdainfully refused, whereof the like was never done to Aberdeen in no man's memory." SPALDING'S *History of the Troubles in Scotland. Aberdeen.* 1792. I. p. 68. The consequence of the arrival of these commissioners was a fierce controversy betwixt them and the divines of the city and university, which spread into demands, answers, replies and duplies, upon the legality of taking the covenant. These were published with a prefatory letter, by the Marquis of Hamilton, in 1638, *cum privilegio.* But the force of an army of 9000 men, which occupied the town in the following spring, proved a more effectual argument with the recusants, than those of Mr David Dickson and Mr Andrew Cant, and the citizens were compelled to receive the covenant. This force was commanded by Montrose, who afterwards played such a different part in the civil wars.

[2] "The city of Aberdeen, honoured by embracing the covenant."—*Original Note.*

[3] The Count di Rozetti, an Italian nobleman, resided at London as an envoy from the pope to Queen Henrietta Maria; a circumstance which was more than once subject of remonstrance from the House of Commons.

trembling pen in hand, to drop out some advertisements to you, in behalfe of truth's candor, who never in greater extremity than this, doth make her pittiful addresse to your holinesse, by whose protection she is secured from the insolent affronts of the vulgar; being distressed, she makes you her faire sanctuary; being wounded, shee makes you her soveraigne balme. I know this infortunate paper of intelligence shall swell your vext soule mightily, and affright all Italy with feare and wonder Yet, if your heart bee not split asunder with griefe and terrour, or if there be any counsell, or courage left in your conclave, looke to the agony of the miter, which is now sicke, even sicke to the death: lift up your weeping eyes, consider the times and seasons; and let the spirit of prudence preserve us from utter perdition, least this reprobate indocile iland make us very quickly a reproach and opprobry to the world.

It would certainly burne the hearts of all true catholicks with consuming anguish to looke upon the present distempers, and to thinke how glorious your kingdome had lookt by this time, like a Colossus upon the columnes of strength and policy; scorning thunder, and out lasting tempests; O! that wee had never angled in that abhominable kingdome of Scotland, nor solicited the return of that stubborn people to us so hotly; fore surely belike, they will awake all Cristendome, and pervert the world. Your holinesse did behold them with the eye of disdain, lookt asquint upon them (as the sun doth) and conceaved these northernes to be but dull and half spirited soules, who could not discover plots, resist the majesty of your intentions, nor mount to their wishes in a direct line without stop or hinderance; but let mee tell your sanctity, they resolve to goe on (armed with their princes smile) and destroy your very name, your memory, your ashes, with as easie a freedome, as rough winds demolish crasie buildings.

Not content with that great disgrace they have done your apostolick dignity, in their owne church, (now indeed deserted and desperate) by that covenant (which wee thought a silly shrub, but is now growne a sturdy oake, and waxeth stately like the proud cedar) they have moved a banner against the residue of our hopes in England; for the episcopall expedition and holy war against the hereticks, and rebels most damnably succeeding (which will make a black and shamefull history to embellish the Vatican library) they have come forward incensed, and with strange pretences (as brave men, who, in their awfull palmes, doe bare about bitter destinies, and command even fate it selfe) advance our destruction strongly; for albeit wee did little regard their harmelesse simplicity, and mocked all their sayings, which they distilled soft as oyle; yet wee have now found their sting sharper than two edged swords; for they have so poysoned the world with their pamphlets, their papers, and new tricks of a reformation as they call it, (a thing as contrary to the mystery of your kingdome, as light to darknesse) that now nothing can compose the fury of the obstinate people, nor smooth the commotions, unlesse episcopacy first of all be throwne over boord; and then, having given the swinge to the wheele of their fancy, no hopes of rest.

Your holinesse had wisely, and effectually too, established your right, and continued your possession in those parts, by that hierarchy: but now the glory is departed from those mighty champions; they are chased to and fro as a forsaken leafe before the wind, and know not where to pitch; and he also, that ere while was the great Primate of England,[1] *alterius Orbis Patriarcha*, for a throne of eminency, is like to be brought upon the scaffold of delinquency; and the rest of the holy fathers of this church, lovers of peace, and most religious observers of the old apostolick eminency, for the honour of the church, and glory of the gospell, are likewise trembling, every day ready to be offered up as a sacrifice to the public hate. The valorous pens of your emissaries, and faithfull labourers, are now discouraged, lulled asleepe, and turned

[1] Laud was examined, Dec. 4th, impeached, and committed to the charge of the usher of the Black Rod, 13th Dec. 1640. On the 1st March following, he was committed to the Tower, amid the insults and execrations of the mob.

against themselves. The authors of the most meritorious peeces are now arraigned before the hereticall tribunals, and shall hardly be brought off, if the strength of your policy, and assiduity of your prayers, doe not prepare their safety. Their shining vertues, by which they ought to have beene so deare to the church of Rome, are now wrapt in clouds of shame. All things move crosly; and now when our affaires were even ripening, and our just hopes pregnant with conceit of wreaths and tryumphs, behold, we are filled with nothing but disappointments, and apprehensions of farther reaching woes.

I know the portentuous newes of the Scottish and English treaty (which fills all courts and kingdomes), hath long ere now afflicted your most sacred eares; for the estates of Scotland (which we can never name without shame and anger), have given order to their commissioners (embassadours of our overthrow), to treat with the peeres of England, for the production of an established peace betwixt the two nations, and so, consequently, for preparing worse dayes to us, than the miseries of the most disastrous war; they are linked together like two malignant powerfull planets in conjunction, who have such forceable influence in the times, that they cast forth a flood of fire, and animate every thing against us with a dangerous temper. By the conference of this treaty, (which joynes their interlaced minds in an individuall league) and by the prophane canvassing, and supercilious contractation of the highest mysteries of state, we see how they have over-done us, and over-witted us in all our policies. It shall bee found (most holy father) true as the eternal verities, that their union will prove our infallible confusion; and that ordinary remedy of a division, which has oftentimes proved so effectuall, in such exigencies, will likewise now foresake us; for all their purposes, their judgments, their affections,

(Like as a nimble smiling flame
Meeting another, grows the same.)

Are now but all one, pointing upward with their heads, not to Heaven, but to the top of their execrable hopes, being no other than to see your venerable miter (which so long hath beene the terrour of princes), buried in the dust: never did plots thrive like theirs; every day, and every circumstance of time, adds a new degree of strength to their machinations; fortifying themselves against us most sensibly, even as by the continuall revolution of the approaching sun, we find the day is enlengthned, and the summer begotten. There be greater considerations in hands than the curious rules of ceremonies, which, I confesse, did most multiply egregiously, after the majesty, and decency of the Italian splendour; certainely their actions doe carry an unusuall weight, and sutable to themselves doe flye at an unusuall height. Their progresse is swift and powerful as is the progresse of unlimited fire in a populous city; or, like winds, whose force doe, at their birth, rend ope the stubborn wombe of the dull earth.

I have skrewed myself as cunningly as I could, in the bosome of their intelligence, and found the pulse of the businesse; but I declare my sagacity fails me, if they do not thirst after the very heart-blood of your honour, and combine for your final fall; and all this, under the gallant name of loyalty to their king, and specious pretext of defending the faith. Oh, the cunning hereticks the Scots! they have besieged us most subtilly, and sprung a mine, as it were, under your holinesse's own throne.

Amongst other inveagling devices, they have coined such a blasphemous way of argumenting against venerable episcopacy, that it will prove most destructive of that heavenly hierarchy, by which your holiness had anchored on the beauty of this church; and this malignancy is followed with congruity of humours so easily elemented, that, I doubt, the miserable torne thing cannot escape ship-wracke in this hell-blowne tem-

pest. They laugh at the authority of our church; they scorne the arguments of antiquity, saying, that truth did precede errour; and all the considerations of pompe and state, and externall magnificence, they hold lighter than vanity.

As to the assembly of the high court of parliament, here, (upon which all hereticke churches do gaze more superstitiously than the Indians looke upon the sun, which they adore) 'tis more terrible than many armies with banners, and, by unmercifull wayes, intends a mighty vengeance against the Romish and Prelate faction. They are in a strange motion, and run a tyde cleane contrary to our standing; some wonderfull assistance must prompt the times dangerously, and the great body of this justly redoubted parliament, is like to have a vertue too immense for one region to containe, and moves with greater majesty, than as it were resolved to confine its revolutions within the narrow limits of this iland; for the policies are so many and transcendent, their resolutions so firme and immoveable, that they are easily powerfull, not onely to banish the Catholicks out of their owne land, but doe violence to the Romish faith in the heart of Italy, and perswade the Turkes and Barbares to become hereticall impostors. It is able to make your ancestors breake their mable lodgings, come forth and quarrell this superlative fury, which riots so boundlesly. Hee that would discompose this parliament, must first overthrow a kingdome, a prince, a law; nay, else, as easily might hee commixe with lightning, or call backe a thunder-bolt, as offer to restore it; for it is diseased in mind, diseased past recovery. All the canons and constitutions of that sacred synode, (which were truely the magazin of our spirituall strength), are here bitterly pestered, and swept away; and the children of policy, who made the advancement of your estate and honour the greatest part of their study, are now most dangerously censured, and made the deplored subject of the times. They take as little notice of your offspring, the reverend prelates, as the surly north does of the snow; which, when it has engendered, its wild breath scatters through the earth forgotten. If businesse take so hot a working, truely, for what I can conjecture by the purposes of heaven or earth, all the lawrels growing on your holinesse's crest, will bee turned to cypresse, serving to no use but to adorn your funeralls; and the cardinalls, archbishops, and bishops of Italy, shall bee shortly sent to visite their cold urnes, and the nunnes left to keepe warme their ashes with their dearest teares.

Your arch-officers and friends can be no more usefull to your holinesse; though they were indeed your ministring and faithfull spirits, yet are they now shut up in prisons, and groane under the martyring hand of impious and corrupt justice; resolve to compose their funeral anthemes, and make ready condigne places for them in the calender; for the blackest crime in their charge is, that they have befriended the Romish cause, (trusty soules!) and laboured to rectifie a stubborn state too imperiously. The persecution is so hot here, and the winnowing of men so exact, that sundry (out of conscience of humbling and weakening the state, to make it more capable of alterations, and apt to obey) not able to stand before such a sophisticat light as is their parliament, (which, notwithstanding of our light esteem, has melted them as snow) have embraced a voluntar banishment, and transplanted themselves beyond sea, where they may enjoy the safety of a more gracious shade, and, under your holinesse's beams, grow fat. Wee have not yet seene all the links of this chaine of Providence, till the unwearied spheares, the dispensers of time, spin them out one after another; but, if your holinesse will cast your eyes about you, and looke to the commotions and earthquakes in kingdomes and commonwealths, we dare almost be bold to say, that your kingdome is now at the age of consistence, and can grow no further. Your sun-beames have past the meridian, and, chased with the stifling mists of errour, like smoake out of the pit, are swiftly declining, and that without hopes to arise againe; so they take it universally for granted, and beleeve with strong confidence, that now, upon the stage of Europe, there is a strange comedy acting, whose epilogue shall be in Rome; for matters

cannot stand at this point, but our enemies, who have their desires strengthened, will strive to encompasse what yet remaines.

May it not well be feared that the English majesty, with his two puissant armies in the fields, (ready for all undertakings) shall espouse the cause of the Hugenots in France; and now, when the French king is offering to set his foot upon that little republicke of Geneva, shall appeare most terribly for their reliefe, and lift up the hereticks horne, now lying in the dust, and finally confound all the pioning policies of the cardinall Richilieu, who has so prosperously triumphed in his garlands of lillyes, and floure de luces. What should hinder him from becomming the head of all these pretended reformed churches? and display an uncontrouled banner, till he have sprung over the Alpes, upon the wings of renowne, and, as full of successe as hopes, spread feare and love through the world; and, having forgotten your right to the patrimony of the church, by the benevolence of Constantine the Great, hee strip you naked of all your riches and eminence, making you miserable as the poorest Capuchin; and, armed with zeale, teare downe the walls of Rome, like a ramping lion? I think wee should be sufficiently puzled; and the most generous armies your holinesse could command would take them to their last abilities, and have use of all their counsell and strength, if these motions should be followed.

It is here likewise reported, to the great encouragement of our enemies, that there be strange and dangerous novations in France, which leade to an open revolt, and the powerfull prevailing of heresie; for, if their church service be received in a known tongue, against the practises and constitutions of the church, (as the fame flyes) and that by the advice of the Hugenots, who will never move beyond their line, to meet us (not a haire-breadth,) certainly you may then make the myter's epitaph, and perswade yourselfe of greater inundations of evills than ever were thought could have sprung from the covenant of Scotland, or the trienniall parliaments in England; you may see then, the combustion which began in Scotland, and threatened but weakely at a great distance, is now come to the skirts of the holy land almost, and, that you had need to looke to your owne building.

Our evills multiply as the heads of Hydra; for what consequence may wee apprehend from the marriage of the daughter of England, with those who bee arch-enemies to your most catholicke sonne, the right hand of your execution? And, can the Prince Palatine be arrived here for any thing which will bring either happinesse to the common cause, or divert the calamities which are daily emergent, like swolne clouds of infection arising upon the horizon and darkening the skie? No, our evills are preparing as the arrowes are ready to bee sent from the bended bow.

Through this beliefe, the prophane world doe glory in most sacrilegious insolencies; for the dismantling of churches, the pulling up of the railes, (which make the comely distance from the holy place) nay, the overturning of altars, (which, in all the corners of the kingdome, did rise most bravely after the Italian mode), are but the daily practises of the undaunted and undistinguishing vulgar. Wee are come to such height of contempt, that boyes sing our scandale in the streets; they tune ballads to our infamy; and hee that can reproach us most handsomly, and deepely informe against us, has most strongly demerited church and state. I like not the complexion of our affaires; strange symptoms of a most dangerous consumption, and many pregnant reasons for the encrease of our feares! The pulpits have forgotten that gracious sound, with which they were of late most entirely acquainted; the bookes dare not appeare in the Romish dye, but come forth in squadrons; in strange habit, and hereticall colours. Our possession heere is gone, it seemes; and our hopes to recover it wholly blasted; nay, if the pernicious counsells and the opinions of the daring Scots prevaile, wee may as easily thinke to entice the sun from his ecliptick, as work an allteration of their hu-

mours, or shake them from these new grounds to which they are now so miserably wedded.

I dare not forget to shew your holinesse, what great expressions of joy have bin heere in the city of London, tearing the clouds with the musicke of their bells, and condensing the aire with the smoake of their bonefires, as if they had already seene their furtherest desires crowned, and had bin ringing our funerall knels; because, the prince has granted to the estate, a triennall parliament,[1] wherewith the people have beene as strongly affected, as if they had beene delivered from pest or famine; or had received the spoiles of most important conquest; by this meanes, they resolve to hammer us so flat, that we shall never set up our heads, nor bud againe.

If ever affliction could awake the sonnes and daughters of the Romane church, 'tis now, when the angry winds are let loose from the corners of the earth. Wee have not indeed slept our time here, but practised very laboriously, and according as the churches exigency did call us to a double care, so likewise have we attempted all expediencies for deluding the purposes of our enemies, and strengthning ourselves. We have stretched our wit, and studied fitting policies in all the latitude of a catholick conscience; there remaines nothing in the treasure of invention which we have not sollicited, and now in these bleeding times with greater strength of wit; but I know not what has interposed betwixt your holinesse's influence and a good effect: some thing of late has made obstructions in the effectuall derivations of your apostolick benedictions; all has proved unprofitable: And (not to offend your holinesse) I feare least the tyde of your sorrowes be but yet growing; for whereas wee have ever magnified and exalted tradition above the scripture, yet we know not how to fasten on these impostures, for they adhere so close to their scriptures, in their reasons and opinions, that sooner may you divorce the light from the sun, than pull them from their grand purpose of slighting the traditions and customes of the Romish church with as much disdaine as we neglect the Alchoran; and ever, when they oppone scripture to our traditions, we know not what to say, and have not bin acquainted with other authority than the churches: therefore your holinesse would doe well to hearken to this, and consider that the times in likelyhood are comming, when the scriptures (which have bin so highly esteemed by the simplicity of that pretended religion) will bee the rule of faith and church government, and overthrow our subtilities: I hope your holinesse, as the great ghostly father of the church, will see that your building be firmely seated upon permanent foundations; for if they be not sure and able for all assaults, it may happly fall, and crush us all: And I assure your holinesse, if your affronts encrease, your strength do not convalesce, and this bad fortune of the miter continue, a pannick feare will invade all your devoted kings, princes, and cardinals; they will betake them to the strongest side, and leave you in the mire.

It is now therefore high time to summon up all that is vertue about you; whatever any of the great monarches of the church could doe, let it now appeare by your power most eminently displayed: your holinesse would doe well to call a counsell, and consult with heaven, and learne how to stop these hereticks mouthes; convince them of the truth, and heape coals on their heads: Seeke out the end of these troubles, that afflict the world; for it is indeed to be feared, if heresie become so insolent, and swell

[1] "The committee for the bill of the triennial parliament had taken a great deal of pains in the framing of it, and it being past both houses, the king was not without some difficulty (as it was reported) perswaded to give his royal assent to it, which he did, in his speech to both houses, setting forth his confidence thereby in them, and in their future proceedings, and the favour he now did to his subjects.

"The king then also passed the bill of subsidies, and both houses, by the Lord Keeper Littleton, returned their humble thanks to his majesty, and by their order were bonefires and bell-ringing, signs of joy throughout the city."—Whitlock's *Memorials*, 1682, p. 39.

with so good fortune, that shortly their truth shall shine glorious as the sun, and become as it were the idole of the world, extinguishing the life of our misteries, under which wee have had such halcyonian dayes.

Since then all the fabrick of our religion, the standing of the apostolick empire, and all that is deare and splendid to the glory of the miter, is now shaking, rise up from your throne, put to your saving hand to the helme, and doe not neglect one day, one houre, one minute to weare out with toyle of plot, and practise of conceit, your busie and fruitfull wit; bestir, like the first mover, your inferiour and obedient spirits, every one in their owne spheare; never take rest, nor force a smile which is not borrowed from a sacred and papall vengeance, such as becomes the state of your disgrace and unbounded fate, till your holinesse know what way to satisfie fury and revenge; till you and your successors, the undoubted inheritors of the world's metropoliticall throne, have touched the ends of the earth with your all-conquering scepter, and hath led truth in procession, triumphing over the ruines of errour.

Certain Observations, collected out of a Treatise, called The Difference between Christian Subjection, and Unchristian Rebellion; compiled by that judicious and learned Divine, Tho. Bilson, then Warden of Winchester, since Bishop there; necessary in these Times to be perused. 1641.

Some account of the learned author, from whose work these passages are extracted, may be found, Vol. II. p. 4, Note. The full title of the treatise runs thus: "The true Difference between Christian Subjection and Unchristian Rebellion, wherein the Princes lawfull Power to command for Truth, and indepriveable Right to beare the Sword, are defended against the Popes Censures and the Jesuits Sophismes, uttered in their Apologie, and Defence of English Catholickes: With a Demonstration that the Things reformed in the Church of England, by the Lawes of this Realm, are truly Catholike, notwithstanding the vaine Shew made to the Contrarie in their late Rhemish Testament." Oxford, 1585. 4. London, 1586. 8.

The first and second part of this treatise is employed in vindicating the title and government of queen Elizabeth, against "Dr Allan's Apology and true Declaration of the Institutions and Endeavours of the two English Colleges;" at Rome, namely, and Rhemes. The third part contains an answer to a treatise, entitled "A Defence of the English Catholics that suffer for their Faith." The fourth part is designed as a reply to the Rhemish Testament. In this last division of his subject, the right of subjects to resist their prince in certain cases, is urged with a freedom which has much embarrassed and incensed Collier, and other advocates of passive obedience. Father Cressy endeavours to account for a court divine promulgating doctrine, certainly not very consonant to the feelings of Elizabeth, by supposing that he was employed to write the treatise, when she had determined to patronise the revolt in Holland, and that these arguments were thrown in to justify the resistance offered by the Netherlands to the Spanish monarch.

Be the original purpose of the author what it might, his authority was too much in favour of the parliamentary party, in 1641, to escape the notice of the able men who conducted that cause. Accordingly the following extracts were published to justify the taking up arms against Charles I. by the opinions of Bishop Bilson.

Theophilus the Christian. Philander the Jesuite.

Theop. Cases may fall out even in Christian kingdoms, where the people may plead their right against the prince, and not be charged with rebellion.

Phil. As when, for example?

Theop. If a prince should goe about to subject his kingdome to a foraigne realme, or change the forme of the common wealth from impery to tyranny, or neglect the lawes established by common consent of prince and people to execute his owne pleasure; in these and other cases which might be named, if the nobles and commons joyne together to defend their ancient and accustomed liberty, regiment and lawes, they may not well be counted rebels.

Phil. You denied that even now when I did urge it.

Theop. I denied that the bishops had authority to prescraibe conditions to kings when they crowned them; but I never denyed that the people might preserve the foundation, freedome, and forme of their common-wealth, which they foreprized when they first consented to have a king. I never said that kingdomes and common-wealths might not proportion their states as they thought best, by their publique lawes, which afterwards the princes themselves may not violate. By superior powers ordained of God, we understand not onely princes, but all politicke states and regiments, somewhere the people, somewhere the nobles having the same interest to the sword that princes have in their kingdomes, and in kingdomes where princes beare rule; by the sword we doe not mean the princes private wil against his laws; but his precept derived from his laws, and agreeing with his laws; which though it be wicked, yet it may not be resisted of any subject with armed violence. Marry when princes offer their subjects not justice but force, and despize all lawes to practice their lusts; not every nor any private man may take the sword to redresse the prince: but if the lawes of the land appoint the nobles as next to the king to assist him in doing right, and withhold him from doing wrong, then they be licensed by mans law, and so not prohibited by Gods to interpose themselves for the safe-guard of equity and innocence; and by all lawfull and needfull meanes to procure the prince to be reformed; but in no case deprived, where the scepter is inherited, &c.

The Greeke Postscripts of the Epistles of Timothy and Titus cleared in Parliament.

By Sir Simonds D'Ewes.

Printed in the year 1641, as is well known.

Sir Simon D'Ewes, Bart. a most excellent antiquary, and compiler of that useful and laborious work, the Journals of Parliament, during the reign of Queen Elizabeth. He served in the long parliament as representative for Sudbury; and, being a strict, and somewhat bigotted Calvinist, made many attacks upon the authority of bishops, among which the following argument is to be numbered. Sir Simon D'Ewes took the solemn league and covenant, in 1643, and was, among other presbyterians, forcibly removed from the house, in 1648. The MS. of the Scriptures referred to has been challenged as of dubious authority.

THE authority of that most ancient parchment MS. copy of the Bible, remaining in his majesties library at St James's, being all written in great capitall Greeke letters, was vouched and asserted by Sir Simonds D'Ewes, in a speech delivered by him on Friday, June 11, 1641, in the morning, upon the debate of the bill touching bishops, &c. by which it infallibly appeareth, that the stiling of Timothy the first bishop of Ephesus, and Titus the first bishop of Crete, are but the bold and spurious additions of some eastern bishop or monk, to the postscripts of those epistles of St Paul, at least five hundred yeares after Christ. The postscripts of the said epistles in that ancient manuscript agreeing in the main with the Siriac Testament, are only thus: THE FIRST TO TIMOTHY, WRITTEN FROM LAODICEA. THE SECOND TO TIMOTHY, WRITTEN FROM LAODICEA. TO TITUS, WRITTEN FROM NICOPOLIS. This rare MS. was sent to his majesty, that now is, by Cyrillus, then patriarch of Alexandria, in which the first letter A. stands for πρώτη, and the second letter B. for δευτέρα.

The letters were transcribed almost identically out of the said most antient MS. The spurious additions of latter times are set down in red or miniated letters.[1]

Ibid. fol. 146. *a.*

ΠΡΟC ΤΙΜΟΘΕΟΝ Α, ΕΓΡΑΦΗ ΑΠΟ ΛΑΟΔΙΚΕΙΑC. Πρὸς Τιμόθεον πρώτη ἐγράφη ἀπὸ Λαοδικείας. [Ἥτις δευτέρα ἐστὶ μητρόπολις Φρυγίας τ' Παναπαμῆς.]

Testamentum Siriacum concordat.

Ibid. fol. 147. *b.*

ΠΡΟC ΤΙΜΟΘΕΟΝ Β. ΕΓΡΑΦΗ ΑΠΟ ΛΑΟΔΙΚΕΙΑC. Πρὸς Τιμόθεον δευτέρα [τ' Εφεσίων ἐκκλησίας πρῶτον ὁπίσκοπον χειροτονηθέντα] ἐγράφη ἀπὸ Ρώμης [ὅτε ὁκ δευτέροι παρέση Παῦλοσ τῷ Καίσαρι Νέρονι.]

Testamentum Siriacum concordat in omnibus excepta loci appellatione. Nam Romæ habet.

Ibid. fol. 148. *b.*

ΠΡΟC ΤΙΤΟΝ ΕΓΡΑΦΗ ΑΠΟ ΝΙΚΟΠΟΛΕΩC. Πρὸς Τῖτον [τ' Κρητῶν ἐκκλησίας πρῶτον ἐπίσκοπον χειροτονηθέντα ἐμράφη] ἀπὸ Νικοπόλεως [τ' Μακεδονίας.]

Testamentum Siriacum concordat.

[1] In this edition they are inclosed in brackets.

A Protestant's Account of his Orthodox holding in Matters of Religion, at this present in Difference in the Church: For his own and others better Confirmation or Rectification in the Pints treated on, humbly submitted to the Censure of the Church of England.

By Sir Henry Spelman.

Printed by Roger Daniel, Printer to the Universitie of Cambridge. 1642.

The learned antiquary, Sir Henry Spellman, still more famous for his learned researches than Sir Simon D'Ewes, entertained, as appears from the following treatise, very different views upon church government. He is well known by his works upon the Antiquities of the English Law, his History of the English Councils, and his Saxon Glossary. The doctrines maintained in the following tract, if it be indeed composed by Spellman, are expressive of what was afterwards termed high-church principles, but not more so than might be expected from the author of the History of Sacrilege. I do not find the treatise noticed among the ordinary lists of Spellman's laborious works; and, as he died in 1641, at the advanced age of eighty, it is possible his name may have been used to grace a defence of the cause which he always befriended. Internal evidence, however, is in favour of its authenticity, for it is written in a strain, not unbefitting "a gentleman of great learning, and a hearty promoter and encourager of it, in his temper calm and sedate, and in his writings grave and inoffensive, a true lover of the established church, and a zealous maintainer of her rights and privileges."

When in all controversies about matter of religion, the dictate of the word of God is principally to be attended; and the certainty of that dictate depends upon the assurance of the true sense and interpretation of the scripture, it is necessary that, in the first place, we have consideration of the assurance one may have of the true and genuine sense thereof.

For though, without controversie, the scripture be a rule of the highest, most absolute, and most sacred authority that may be, and such as, wheresoever it extends to give rule, bindes and regulates all human laws and constitutions, from what authority soever derived, and though in many things (as, namely, in the fundamentals of religion, in matters of necessary faith, and in the expresse commands of God,) the truths thereof are so manifest, and of so assured receipt, as that no authority, no not of an "angel from Heaven," is to be received to the contrary, but every one must, of his own illumination, embrace and hold them; yet are there other truths which may so easily admit dispute, as that, without the awe of some authorized moderatour, men of perverse affections would inevitably subvert the peace of the church, with their infinite dissentions about them. It is true, that, to the great calamities of the church, there is much dissention made about the moderatour or interpreter of the scripture; but that is not so much errour of judgment, as obstinacy of parties, among whom the two most adverse and dangerous parties are neither of them so blamelesse, but that they are culpable of detracting from the authority of the scripture, by authorizing unwarrantable interpretation of it.

It is true, that, in the first place, the church of Rome is the great subverter of the

scripture, by assuming to her self the person of the whole church catholique, and by vertue thereof to have infallibility of judgment in interpretation of scripture; for whilest she as judge arrogates to her self infallibility, she makes that there is no more regard to be had what the text is, then there is to be taken what was the warrant that the Holy Ghost had for those things which he hath at any time delivered; for he that is infallible, pronounces of his own authority, and can no more depend or be restrained to any originall out of himself, then infinitenesse can be restrained to a finite thing, or God himself unto a creature; wherefore there can be no externall judge of scripture, of infallible authority, for that of necessity annulls the scripture, and makes it no other then a dead letter.

But in the second place, they also destroy the authority of scripture, who, when in word and outward profession they magnifie it above all things, do then, by subjecting it indifferently to the judgement of every one that takes upon him to interpret it, trample under foot the honour that they gave unto it; for as infallibility of the interpreter takes away the scripture from the hearer, so incertainty in the interpreter takes away the hearer from the scripture; for how can one hear, when he may either doubt the judgement or fidelity of the interpreter? or when (as it often happens,) the interpreters that are authorized one as much as another, do make a diverse, perhaps an adverse, delivery of the scripture? as in the Romish errour the scripture is made a dead letter, so in this, it is made a trumpet of uncertain sound, which none can with safety hear and receive, unlesse you will suppose some hearer also infallible. To say truth, as in the question whether one God or many, it was truely said, *dicite plures, dicite nullos;* so in the interpreters of God's word (whereof none can be authentick, but with whom the spirit of God is warrantably to be presumed,) if in equall degree and authority we make many, we make as good as none at all. We must therefore find an especiall interpreter, and that of such potiority of judgement before all others, as that we may safely confide therein, and yet so confide, as that we may not detract ought from the authority of the scripture, by ascribing infallibility to the interpreter.

We are taught negatively, That[1] "No prophesie of the scripture is of private interpretation;" we are also told, That the[2] "Church is the ground and pillar of the truth;" and we are warned not to adhere to the doctrines of particular men, be they never so eminent and famous in the congregation, but to weigh their doctrines delivered as the word of God, and to see if they have alwayes been so understood and received by the church; for if we find not authority (of our own church at least,) for them, we are then but cautiously to receive them; but if we find the judgement of the church catholick against them, we are altogether then to reject them; for when the promises of the Holy Ghost's assistance were made, not to single disciples, nor to some in particular, but indefinitely to the universality of them: [3] "I am with you unto the end." [4] "He that heareth you, heareth me." [5] "He (the spirit of truth) will guide you in all truth;" that is, not some, nor every one of you, but generally the body of you; we cannot receive doctrines with any confident assurance, but from the concurrent judgement of all the pastours of the whole church universall, to whom the promise of assistance is properly, and in the first place made; or, in defect thereof, from the concurrent judgement of the pastours of our particular church, which, as to her own members, is to be received as the judgement of the whole, till the judgement of the whole appeareth to the contrary. For as the spirits of the particular prophets in every church ought to be heard and received of all the members thereof, untill it appear that their particular spirits and doctrines recede from the concurrent judgement of all the prophets of that church (to which they ought to submit their judgements) so ought the concurrent judgement of all the prophets of every particular

[1] Pet. i. 20. [2] 1 Tim. iii. 15. [3] Math. xxviii. 20. [4] Luke x. 16. [5] John xvi. 13.

church to be received of that church, untill it appear that it is contrary to the judgement of the church universall: but then, as the universall church must be heard before the particular, so must the universality of the particular, before any particulars of that particular church; for "God," saith Saint [1] Paul, "is not the author of confusion:" and therefore, he not onely objects against the refractory particulars of Corinth, "We [2] (that is, the church of Corinth,) have no such custome;" but least they should alledge errour also in that particular church, he justifies their practice, by the practice of the universall; "Neither," saith he, "have the churches of God." By which it appears, private men are tyed to submit to the judgement of their particular church, and that unto the judgement of the universall.

But if any ask what is the catholick church, when and how is her judgement to be?

The catholick church (properly so called,) is the whole number of Christians, all places universally professing Christ; and this, since the apostles times never was, nor can be assembled into one, to give sentence upon any thing; but as in the politick body of civill states, (the reall assembling of all the members personally being unnecessary, inconvenient, and almost impossible,) some persons representative of the whole, being by intimation of the superiours from all parts, delegate to give the common suffrage of the whole, do by the lawes of God and man, give the binding sentence of the whole body universall; so in the mysticall body of the church, the ecclesiasticks, which are the onely authorized members, for discerning and judging matters that depend upon the word of God, because, that to them, and to them alone, were the promises of the Holy Ghost's assistance made, they (I say) either all assembling themselves together, or at least, in their severall diocesses, chosing and delegating, from among themselves, trusty men, to do the office of the clergy in that point, do truly and properly give the entire vote of the whole catholick church: and in this way, we have many sentences and decrees thereof remaining to us; which, being from age to age successively received, do stand in force and speak unto this very present; against which, whosoever shall, in practice or doctrine, attempt any thing to the prejudice of what is so established, shall apparently declare himself an insolent and schismaticall exalter of himself, and of his own private judgement, against the judgement of the whole catholick church; and in the same way that the church catholick speaketh, in the same also, if need be, speaketh every particular church.

This being the extraordinary way (wherein the church speaketh not, but upon extraordinary occasions) she hath also, for ordinary occasions, a continuall constant voice in an ordinary way. The church, considered in itself, is not, nor cannot be lesse then the whole body of it; but considered in the actions of it, any part by which it duly worketh, as to that work onely which it so intendeth, is truly and properly enough called the church: If we speak of a man, as of his being, as that he lives, is in health, young, lusty, &c. we mean by the man, no lesse then the whole man, with all his members; but if we speak of the particular actions of the man, as that he did hear, see, speak, take, &c. we do not then intend that every distinct member of his body did actually hear, see, speak, take, &c. but that the man performed those actions by the proper members respectively ordained for the doing of them; and that, neverthelesse, the office of each member so ministring, was the proper act of the whole man; so that, though the eyes of the man onely saw, his ears heard, his tongue spake, and his hands handled, yet is the whole man said truly to hear, see, speak, and handle.

As, then, in the body naturall, so in the body mysticall, the [3] church: Though the church, in her being, comprehend all members, as well lay as clergie, yet, in her work and actions, she worketh not promiscuously by all, but by her proper and ordained

[1] 1 Cor. xiv. 32, 33. [2] 1 Cor. xi. 16. [3] 1 Cor. xii. 12.

members; for if every one were an eye to see, a head to judge, or a mouth to give sentence, then were they all but one equipotent member, and [1] "where then were the body?" saith Saint Paul: Therefore, though in the question of circumcising the believing Gentiles, the letters of ordinance went in name of the [2] apostles, elders, and brethren; yet plainly the brethren had no vote in the decision of the question; but as the apostles and elders are onely said to have "come together to consider of the matter," so the debate and the decision there is only theirs; and the decrees thereupon are in the 16th chapter, called onely [3] "The Decrees that were ordained of the Apostles and Elders." And if we will have the brethren to have been named in the apostles letters, to shew that laymen have authority to vote in matters of religion, then must we also confesse, that laymen, as well as "the man of God," have authority to judge in matters of doctrine also; for they that writ the letters, say of the point of doctrine, "We gave not such commandment." Therefore plainly the judgement of the apostles and elders was, in that matter, the judgement of the brethren, and of the whole church there, by their unanimous submission and agreement unto them; and not the voting of apostles, elders, and brethren together, which yet is a thing farre differing from the voting of laymen onely, and from laymens choosing of them that shall vote.

In the same manner the voice of the ordained governours and ministers in every particular church, in those things that are committed to their care and charge, is the voice of the church itself; and the voice of that particular church, not being repugnant to faith, nor the declared judgement of the catholick church, is (as to the members of that church) the voice of the whole church catholick: so that he that refuseth to hear the voice of the governours of his particular church, refuseth to hear his particular church; and not that church onely, but the whole church catholick.

Again, as in the body, the most usefull members thereof, the eyes, the ears, the tongue, the hands, the feet, would not onely be uselesse, but make a confused deformity, if they were every one annexed immediately to the grosse of the body, and not joyned by the mediation of some noble limb; the eyes, the ears, and tongue, by the head; the hands, by the arms; and the feet, by the legs; so would it be in the church catholick, if every particular member should hold itself immediately to depend on it, and not on the noble and mediating limb of his particular church, that so by an usefull and decent subordination of the members under the head, [4] "The body from thence (as the apostle speaks) by joynts and hands, having nourishment and knit together, may encrease with the encrease of God."

These same things doth our Saviour teach, when giving a rule for governing ones self in private offences betwixt his brother and him, he bids him [5] "Tell it to the church:" Our Saviour meant not that, upon every such occasion, the church catholick should, or could be convoked, but onely that the offended should complain to the governours of the church he lived in; the doing whereof, is properly to complain to the whole church, yea to the whole church catholick, as appears by our Saviours adding, that if the "offender refuse to hear the church, he should be as an heathen man;" as much as to say, that, if by refusing to hear his particular church, he refused to hear the whole church catholick, he should then be as an heathen man, cut off from the communion of the whole church; for it were no just sentence to cut off one from the whole church, for disobeying the particular, unless that disobedience to the particular, were disobeying of the whole church.

Every particular church, then, hath so farre the authority of the church universall, that (as to her own members) her voice is the voice of the catholick church, and tyes them all in conscience to submit their judgements to hers, and to yield observance to

[1] 1 Cor. xii. 19. [2] Acts xv. 2. [3] Acts xvi. 4. [4] Coloss. ii 19. [5] Matt. xviii. 17.

all her ordinances that are not against the expresse word of God, nor judgement of the catholick church. And even in her ordinances that minister question, whether they be orthodox and agreeable to the word of God or no, her authority is so farre binding, as that even those ordinances are not to be rejected nor condemned upon the judgement of any of her private members onely, but either by her own review and censure, by some more generall national assembly, or (if the consequence require it) by a full and true generall assembly of the church; whose sentence, when once it shall be obtained, shall be received, as the most sacred, and most authentique judgement that may be had in that matter, and nearest approaching to the judgement of the Holy Ghost; but shall not be received as infallible, as if pronounced by a judge infallible: For what assistance soever God hath promised to his church, it is onely such as agrees with the condition of a church militant: Therefore he hath neither promised it to the single ministers in every of their preachings, neither yet so to the church itself, as that in every of her consultations and degrees, she should infallibly produce the sentence of the Holy Ghost, (for then were the scripture needlesse, seeing the church should be able to pronounce infallibly with authority, equally to the very text; and the church, as to errour in knowledge and understanding, should not be militant, but triumphant;) but every judgement of every church shall have such a potiority of credit and authority, in respect of the judgement of any part or member thereof, as that it must not be rejected nor over-ruled by any other judgement, then either her own revisall and censure, by assembly of her proper judges, by a more generall nationall assembly, or a full generall assembly of the church.

To conclude, then, when, for avoiding confusion in the church, [1] "God hath subjected the spirits of the (particular) preachers," to the concurrent judgement of all the preachers; for men, under pretence of preaching God's word, to preach their own private judgements, in detraction from the authority of their church, and without submitting their opinions to the judgement of their church; this is so farre from honouring God by magnifying of his word, as that, contrarily, it destroyes the authority of the scripture, by confused and wrong arrogated judgement in interpreting of it; it, by sects and schismes, subverts the peace of the church, and, contrary to the admonition that God hath given in that behalf, makes God the author of confusion.

The assurance of our orthodox profession, depending upon the consideration of these things, cannot but occasion a little farther examination of them.

Religion, *a religando, ex vi termini*, is that which, whatsoever it be, ought to bind the professor; but, of all other, [2] godlinesse (which only is the true religion) must not have that binding power of hers denyed; and therefore will-worship, as repugnant to religion, is to be rejected. "Ye shall not (saith Moses to the people, when they were to enter into the land, and be a settled church) [3] Ye shall not (saith he) do as we do this day, every one that which is good in his own eyes." It is impossible for the professour, which followeth his own judgement or conscience onely, to avoide disobedience and will-worship; for private judgement and conscience are neither sure nor constant observers of God's law: nor can a man alwayes tell whether his judgement, or his affection, leads his conscience; but as [4] obedience is that which our Saviour himself learning, sheweth that we all must learn; so the power of godlinesse is to constrain obedience. And if there be a question what we shall obey, the scripture tells us, [5] "The priest's lips should preserve knowledge, and we should seek the law at his mouth." And our Saviour tells his disciples, "he that heareth you, heareth me; and he that despiseth you, despiseth me;" and bids, that he that "will not hear the church be as an Heathen man;" and St Paul tells us, [6] "the church is the pillar and ground of the truth;" and against private singularities and indecencies in the service of God,

[1] Cor. xiv. 22. [2] 2 Tim. iii. 2. [3] Deut. xii. 8 [4] Heb. v. 8. [5] Mala. ii. 7. [6] 1 Tim. iii. 15.

he objects, that[1] " their church had no such custome, neither the churches of God;" we are also commanded to submit to[2] " all manner of ordinance of man, for the Lord's sake;" and that " every soul be subject to the higher power;" that " he that resisteth the power, resisted the ordinance of God, and receiveth to himself damnation." The scripture is abundant to this purpose, and, among many other places, Gen. xxvii. 6, is remarkable: When Jacob (or Israel) was afraid, in the apparell of his elder brother, to seek his father's supreme blessing, lest, by seeking it in an undue manner, he should, instead of a blessing, get a curse; his mother requires his obedience to her voice; Israel obeyed her, and by it obtained the blessing. If this allegory so much concern us, as that we be the Israel, the younger brother that want and seek the blessing, our Saviour our elder brother, in whose cloathing we seek it, and God our father that gives it; who is our directing mother, by obeying whose voice we obtain the blessing, but she that is the wife of our father, the church of God? By these, then, and many other scriptures, it appears, that in all matters of religion, wheresoever there is a doubt, and consequently use of judgement, the judgement of the church is to be preferred: So God's word (which must be observed) directs, so the exigence of things requires; the particular man cannot otherwise avoid will-worship and singularity, nor the church of God confusion.

When now there is so great offence taken at divers ordinances of our church, what is there in any of them so erroneous or corrupt as to discharge one's conscience from the terrour of these precepts, and from the obedience that they command? Is there any thing in the ordinances of our church against the expresse command of God? If there be, why do not the offended shew it, that they may justifie themselves, vindicate God's truth, and stop the mouthes of all gain-sayers? But when, instead of things expresly crossing God's commandments, they find no exceptions but what, at the most, are disputable, grounded upon inferences and collections, and those not generally received, nor yet all approved, by the judgement of any particular church, but late imaginations of men, of a few, and them private men; whether it be meet in the sight of God, upon such grounds, to follow men, or, indeed, one's own self, rather then God, every one may judge.

And were that granted (which, indeed, cannot be proved, nor may be granted) that the ordinances of our church are superstitious, how yet will that warrant the disobeying of them, to a conscience that is guided onely by the word of God? For where is superstition by the word of God forbidden? Or where is it there described? Though, then, we sincerely grant superstition to be the foulest corruption a Christian church can be depraved with, and nearest approaching to idolatry, yet being a corruption discovered by the judgement of the church, rather then any expresse word of God, with what warrant can any man's conscience, against God's expresse command, disobey the ordinance, for fear of superstition, when concerning it he hath received no command from God? especially, when disobedience, being like[3] " the sinnes of witchcraft and idolatry," he commits a sinne that is equal to them, and onely to avoid superstition, which is lesse then either. Nay, that is not all, but, while he disturbs his duty with false apprehensions of superstition, he, with his disobedience commits the superstition which he fears; for when superstition properly is an over-strict religious insisting upon the doing or not doing of that which in itself is but indifferent, his own scrupulousnesse not to kneel, not to bow, not to stand up, not to be uncovered, not to answer, &c. according to the use of the church, is not onely disobedience, but very superstition itself, placing[4] religion in that wherein there is no religion to be placed, and teaching the conscience more to fear pollution from without, by things externally enjoyed, then to fear it within, from the haughtinesse, stubbornesse, or self-conceitedness of the

[1] 1 Cor. [2] 1 Pet. ii. 13. [3] 1 Sam. xv. 23. [4] Col. ii. 21.

heart, then which nothing doth sooner defile the actions of a man, and make his religion vain.

But, will he say his conscience cannot be satisfied, but that the ordinance of the church in some things is superstitious, so as he may not submit unto it? We must answer, Let him use the liberty of his conscience, but let him withall take heed he use it not for a cloke of maliciousnesse; for if, through weaknesse of conscience, he takes offence at the ordinance of the church, as superstitious, which otherwise he knows himself tyed to reverence and observe, let him, in true humiliation of his soul, behave himself like one afflicted, that laments the breach between the church and him; let him labour for satisfaction by the help of those, whose integrity in that behalf shall not, by any adversenesse to the ordinance, be suspected; let him forbear rayling language on governours, and contemptuous behaviour towards the ordinance, that so, though he cannot be conformable, he may not yet become refractory, but may be piously embraced of the church, till, in the spirit of meeknesse, he be at last restored to his strength. But if he will not do thus, but will contend, hold his own opinion sufficient to oppose against the judgement of the church, adde contempt to his non-conformity, seek to possesse others with his opinions, glory in their association, and towards the governours of the church, be [1] "as one of those that controll the priest," yea, that controll the whole priesthood, that man, in pretending conscience, lyeth unto the Holy Ghost; he is not prest with conscience, but a lift-up heart, self-conceited, and affecting singularity, hath seduced him, and makes him maintain an affected scruple of his own, before the judgement, yea, and the peace of the whole church.

From these generals, we come somewhat more particularly to consider that which some affirm, that, for remedy of the corruptions of the church, any assembly representative of the whole body of any state, seeing it implicitely comprehends all orders, degrees, and conditions, that are parts of the state, have full power and authority of doing whatsoever any order or part of the state may do; and that therefore they, as well as the clergie, may, in that state, determine what form of ecclesiastical government, what discipline, what ceremonies are most fit for the church, and most agreeable to the word of God.

Who knows not but that by the same reason they may as well determine what doctrines are most agreeable to the word of God? But we shun captiousnesse, and seek our own and every one's clear satisfaction.

It is true, a body representative of the whole state, hath the power of the whole state, to do whatsoever the whole body of the state, if it could be all assembled, could do; but the whole state, if it were gathered together in one, and the whole clergie in it, could not by their promiscuous vote determine of any thing that God hath subjected to the judgement of the clergie onely. Some argue, that the whole state be Christians, and every true Christian a spirituall man: the spirituall man judgeth all things: and it is true; but that judgement is onely as to himself, to discern and judge for his own right governance, but not to bind others therewith: he may exercise such judgement as grace administreth for his particular salvation, but cannot exercise directive judgement for the government of other; for that is not to be practised, but by especiall commission of authority. It was the ground of Corah's fearful sinne, that, because all the [2] "congregation were holy, every one of them, and the Lord among them," that therefore Levites and laymen might offer incense as well as the priests: [3] one without lawfull authority may not more meddle with decreeing the suppression of vice, and encouragement of virtue, in a way that belongs onely to the jurisdiction of another, then might the sonnes of [4] Sceva use the authority of Christ's name to casting out of devils.

[1] Hosea iv. 4. [2] Num. xvi. 2.

[3] This seems to allude to the rise of the seed of Independants, who did not acknowledge any separate priesthood.

[4] Acts xix. 14.

Therefore particular men must have expresse warrant, before they can decree any thing. And were it granted that they, if known, might in this life exercise directive judgement in ecclesiastick affairs, yet being so small a number, in respect of worldlings, and it being impossible in this world to distinguish them, or to avoid, but that, while they vote together with worldlings, their votes will be over-ruled by worldlings; for these causes, the being inwardly a spirituall man can nothing more avail him in that point, then if he were not so.

And for this last cause, it nothing also avails, though the clergie themselves actually vote against seculars; for, where the carriage of matters cannot certainly follow the votes of the clergie, but be subject to the votes of the seculars, their votes so given cannot have the authority of ecclesiastick votes, but of lay. And, both for the peace of private consciences, and also for the peace of the church, it would advisedly be examined whether the votes of clergymen chosen by the seculars (say by the body representative of a whole state) be of more authority for deciding matters of religion in question, then the votes of seculars themselves that chuse them be: for when, by the expresse word of God, [1] "the spirits of the prophets are to be subject to the prophets," the prophets must either all of them together hear and determine, or all of them freely make choice of such of their brethren as shall do it for them; lest, if the secular power assume the choice of the men, they, by assuming the choice of those that shall give the clergie's vote, assume the giving of their vote, and upon the matter reject the vote and judgement of the clergie: for the few men that so be chosen, have no authority of themselves, to judge by themselves, but have the authority of those onely that made the fiduciary commitment of power to them; and if they that committed the authority be seculars, then is the judgement of those ecclesiastick committees the judgement and executing of the spirit of seculars onely. And it would further be taken into consideration, whether, as the bishop of Rome's usurpation of the authority of the universall church, manifested him to be the great spirit of Antichrist, so in every particular church, any usurping or undue assuming of the authority thereof, will not amount to an inferiour exercise of the same spirit?

Now, whereas it is conceived that forms of government ecclesiastick are not tyed to the judgement of the clergie, but are arbitrary as the state shall judge expedient, it is not denyed but that church-government may be accommodate to the occasions of the state: but then these cautions are to be observed, (1.) That as the state is judge what form of church-government will be most commodious for the well-fare thereof, so the clergie be judges, whether the form desired be safe for the church, and agreeable to the word of God; otherwise one may be oppressed, while the other is accommodated; therefore we see, that upon every change and remove of the [2] camp, not onely the taking down and folding up of the tabernacle, and all things belonging to it, was committed to the priests, but even the utmost act of carrying of it, when all was disposed and ordered by the priests, was given in charge to those onely that were Levites. And whereunto are [3] helps in government reckoned among apostles, prophets, teachers, and other members which Christ hath set in his church, if the government of the church be to be managed by those that are not to be numbred among them? and if among pastours, which God hath set in his church, he hath ordained some to be helps in government, how dangerous matter will it be for those that are not of their calling, to justle them out of their authority, and in that point usurp their function? Moses hath long since put terrour in the case, when, with a prophetical spirit, praying for Levi, he saith, [4] "smite thorow the loyns of them that rise up against him:" and the prophet likewise, where speaking of the church, he saith, [5] "No weapon that is formed

[1] Cor. xiv. 32. [2] Numb. iv. 15. [3] 1 Cor. xii. 28. [4] Deut. xxxiii. 11, [5] Isa. liv. 17.

against thee shall prosper, and every tongue that ariseth against thee in judgement, thou shalt condemn ;" and our Saviour himself, where he saith to his apostles, " What ye binde on earth, shall be bound in heaven."

Another caution to be observed, is, that, in accommodating church-government to the frame and occasion of the state, nothing be disestablished or unsettled, that seems to have been settled by any authority of scripture. Therefore, whereas we see hee the government of the church first settled in the hands of bishops (that is, of pastours that had authority over pastours,[1] " to rebuke with all authority :[2] not to suffer themselves to be despised :[3] to ordain elders :[4] to receive no accusation against them :[5] to charge some to preach no other doctrine :[6] to stop the mouthes of unruly deceivers :[7] to set in order things that are wanting," &c.) and find we not any other form of church-government neither in the scripture, nor in the practice of the universall church, (as well where the pope never ruled, at where he did) that therefore men make not such an accommodating as by an entire rejecting of the ordinance set on foot by the apostles themselves, so appearing in the scripture, and universally so followed by the church, they reject both the judgement of the universall church, and also of the spirit of God revealed in the scripture.

For, as in the change of the sabbath from the Saturday to the Lord's day, the church hath clearly shown that she had power to make such a change ; but that change being once made for important causes, the like whereof hereafter can never happen, that power of her's, once lawfully used, can never lawfully come to be used again for another change, because there can no more such ground and cause to do it come again to passe. So it is likewise in point of episcopall government ; though the whole form and frame of it is not so expressely prescribed, but that the church may, in many things, have power of making therein accommodations to the times and exigence of state ; yet may not those acts of accommodation amount to such a height, as to subvert or abolish the government which by the judgement of her members, then infallible, was set on foot ; because no judgement of her present members now can come in any competition with her first : and, if any state shall so accommodate itself, the accommodatours may, perhaps, be found fighters against the spirit of God, manifested both in the scripture, and in the judgement and practice of the universall church of God.

One further particular depending upon these points, and necessary for every one to have his conscience clear and well assured in, is the lawfulnesse of the liturgie of our church, concerning which these considerations present themselves.

The church being freed from the tyranny of the heathen persecutors, and settled in peace, it was necessary that God (that had done so great things for her) should be honoured, not onely by the private devotion of her single members, but also with the publick service of her greatest congregations : and seeing that in the church Jerusalem (ever since Christianity) becoming inhabited without walls, occasions the making of as many places of worship as there are places of severall cohabitation, it was necessary, both for observing decency and order, for avoiding confusion, and for shewing (by as much unity of way as might be) the unanimity and true communion of the church's members, that throughout all her severall congregations (at least, all of one nation) one form of divine service should universally be observed. Hence have the western churches (where religion flourished most and longest) received much one form, perhaps not all at once, nor alwayes the very same, but with some addition or change, as use and experience gave occasion, untill the church of Rome (corrupting with her greatnesse) suffered not the service of God to be exempt from her corruptions ; and growing at length so licentious in them, as even to subvert the fundamentalls of reli-

[1] Tit. ii. 15. [2] 1 Tim. iv. 12. [3] Tit. i. 5. [4] 1 Tim. v. 19. [5] 1 Tim. i. 3.
[6] Tit. i. 11. [7] Tit. i. 5.

gion, it pleased God in divers parts, so farre to enlighten and strengthen his church, as to examine the Roman adulterations by the test of God's word, which the church of England having more happily then others performed, rejected what was repugnant to God's word, and wisely retaining the rest, left us that form of divine service, that unto this day by the laws of this kingdome, is advisedly confirmed in the church.

In this our restored liturgie, the long practiced judgement of the church (regarding one way the property of devotion, and another the infirmitie of man) thought it fitting not to have prayers, preaching, and thanksgiving alone, without the publick reading also of the very word of God; neither thought they it fit that the confessions of sinnes, supplications and thanksgivings, that publickly were to be made, should all at once in one continued exercise be performed, lest happily in many, devotion wanting matter of present excitation, should wax cold, and then the intention of the mind growing remisse, and the thoughts wandring, men in spight of their hearts, should with their lips onely, perform an empty mock-God service.

To the end therefore that the whole service of the congregation should be truly publick, performed with true communion, and likewise with true and lively fervour of spirit, they ordained such change and succesion of all duties belonging to God's service, as might best make those several duties most effectuall to the performers.

First, therefore, that the congregation, observing one and the same demeanour throughout all her members, should upon their knees, with loud voices, and articular confessions, make an humble and publick acknowledgement of their sinnes, and vile condition, and beseech God for mercy and forgivenesse; and the minister, for the comfort of the penitent, to pronounce God's pronesse to forgive, and to pray for them, and with them.

That after their humiliation they should with hymnes of mutuall exhortation, taken out of scripture, stirre up one another to proceed to praise, to singing, and rejoycing before God.

Then some portions of the scripture should be read in course, of which the psalmes should ever be part; which, because they contain matter so abundantly usefull for instruction, for meditation, for comfort, prayer, praise, and thanksgiving, they should therefore be read alternately betwixt the minister and the congregation, to make them in publick more fervent in the prayers and praises wherewith the psalmes abound, and to make them also more perfect in the contents of them for their private use. Then as God's works, (especially of man's redemption) [1] are so done as that they ought to be had in remembrance, so on Sundayes, and other dayes of especiall commemoration of them, such portions of scripture as tended most to the setting forth of God's work on that day annually commemorated, should be read; at the end of which, the congregation (as moved by the impressions which those portions ought to make in every one) to render God that praise, that glory and blessing which the sense of his mercy in his work then declared, doth justly procure from the heart and mouth of the thankfull hearer; and this they do in hymnes either taken out of scripture, or composed and allowed by the ancient and general approbation of the church.

After the lessons of scripture and hymnes ended, the congregation to stand up, and make a publick confession of their faith, and then prostrate on their knees, in prayers fitted to the divers necessities and infirmities of humane nature, to make supplications for all sorts, degrees, and conditions of men, [2] in which the minister should not alwayes himself alone utter the words of prayer, (but for the better entertainment and incitement of devotion) every member of the congregation, with frequent interjecting of their votes and invocations, should, like more active parties in God's service, make a more frequent and effectual joynt importuning of him.

Then (after an especiall prayer for grace and sanctification) the two tables of com-

[1] Psal. cxi. 4. [2] 1 Tim. ii. 1.

mandments to be read, which, summarily, containing our whole duty both to God and man, the congregation, conscious of the breach of every one of them, should, at the reading of each commandment, cry out for mercy for their breaking of it, and implore grace, for the better observing of it in future: And that done, some choice portions of scripture, of especiall comfort and instruction, and more especially relating to the work of redemption, that day commemorated, taken out of the epistles of the apostles, and the gospel of the evangelists, to be read, with which (unless the communion be administred, the word preached, or an homily read) the publick service of the church to be concluded with certain prayers, and with the minister's blessing of the people.

How well this ordinance provides for offering unto God the reasonable service of man, we must leave unto the consciences of every man. As for the exceptions that are made against it, they are chiefly these: First, in gener ll, That it is popish, superstitious, antichristian, (a charge which is very foul, if true) then, in particular, That it is in a set form.

Now, first to be popish, is no more then to partake of the manners, customes, or ordinances of the popes, which, when in plain tearmes, it is not forbidden in the scripture, we must seek how it comes to passe, that to partake of them must be unlawfull.

The popes (briefly) were the bishops of Rome, of which the foremost having, both for life and doctrine, been glorious members of the church, that church grew so renowned, as that, for judgement in matters of religion, they had the priority of repute, were to the western church the authours of many good ordinances in religion, and the great support thereof; till abusing their repute, and by little and little degenerating, they grew into so unspeakable corruptions, as no intelligent man may partake in those things with them, without a conscious committing of manifest sinne against the word of God.

Now, though their corruptions are by all means to be rejected, yet are they not therefore corrupt, or to be rejected, because they were the acts of popes, but because they were things which the popes acted contrary to the word of God; so, as repugnancy to God's word being the true and onely ground of their unlawfulnesse, we can reckon them no farther unlawfull then that ground or reason will demonstrate; and we may no more for respect of persons, (be they popes or whatsoever) call [1] "good evil, or evil good," then we may, for respect of persons, break the commandments of God; nor is it more to be abhorred as a popish corruption, to use the ordinances of popes, which are not wicked ordinances in themselves, then blessing the people of God in the words wherewith Balaam blessed them, is to be abhorred as a Balaamish corruption. For, when by the names of Popish, Jewish, Heathenish, &c. we condemn any thing, we all intend, that the thing condemned is of the nature of those things, wherein they were especially corrupt, and not of the nature of their doings, which were neither good nor evil, and much lesse of the nature of those wherein they excelled: So as to be popish, simply being no argument of necessary faultinesse, we must see whether our liturgie partakes of any popish corruption or no.

To come readily to the matter, when, in all the whole frame of our liturgie, there is no worship nor invocation, but of the true God onely, neither is he worshipped any other way, then by the sole and immediate mediation of our Lord and Saviour Jesus Christ, there first can be no idolatrous corruption in the liturgie.

Secondly, It cannot be antichristian, because that contrary to the proper work of Antichrist, (which is [2] "to deny the Sonne and the Father," and as God, [3] "in the temple of God, to exalt himself above all that is called God,") the liturgie, throughout the whole course thereof, makes an exact acknowledgement, adoration, and exaltation above all things whatsoever of the three persons of the Trinity; and as it acknowledges them

[1] Isa. v. 20. [2] John ii. 22. [3] 2 Thessal. ii. 4.

in profession, so is there not any thing in it, whereby they are denied in practice: So as to call it antichristian, is a malicious slander against the clear truth examined by the light and rule of God's word.

Lastly, It cannot be superstitious neither; for, howsoever, in the performance of it there may be some few ceremonies brought in, which, rightly weighed, do perhaps conduce more to worldly solemnity and ostentation in religion, then to true and necessary religious decency and reverence, and therefore would be laid down; yet, being things otherwise indifferent introduced for decency onely, and not pressed as things of any other necessity, they can (at the worst) be but errors of judgement, mistaking what is decent and orderly; they cannot be superstitious, seeing they are not made matters of religion, but [1] of decency and order, without which nothing ought to be done.

When then, according to true understanding and intention, nothing is meant popish, but what partakes of the superstitious corruptions of the popes, the liturgie of the English church must needs be acquit and discharged, not onely of the infamous calumny of being idolatrous, antichristian, and superstitious, but even also of that malicious aspersion of popish; and then it will follow, that the censures of those sinners against their own souls, who, in and for these things do falsely judge, censure, and condemn their mother church, and renounce obedience to her, and communion with her, because, as they suppose, she is popish, supertitious, idolatrous, antichristian; their unjust censures (I say) will prove the condemnation of themselves, both of uncharitablenesse, of self-conceit, and of insolent exalting themselves against the church of God at least, if not of antichristian persecution of it also; and, the more for this, that while they promise liberty and freedom from superstition, they, themselves, become slaves unto superstition, making a matter of religion, not to obey the ordinance of their church in things indifferent, and where the word of God doth not forbid obedience, but command it. This briefly touch the generall exceptions, popish, superstitious idolatrous, antichristian.

As for the particular exception, that in our liturgy, all prayer, praise, and thanksgiving is in a set form, a device of man's, not the command of God, a muzzling of the minister's spirit, a nurse of idlenesse, and means of neglecting the gifts and graces of God, &c. We must consider, 1. That there is not any expresse scripture against set forms of prayer, and, therefore, the use of it is not against any expresse command of God.

2. All Christian churches throughout the world, as well the Greek and eastern (where popery never reigned), as these our western churches, when once they attained a settled government, have, in all ages, served God in set forms of divine service; yea, even the reformed churches beyond sea use some set forms. And for our set liturgy, if any man list to be contentious against it, we can truly say, it is the custome of our church, and also of the churches of God; and then the depravers of it will prove to be despisers of authority, and advancers of their own private judgement, against the universal judgement of the church catholick.

3. Under the law there were set forms of publick confession, thanksgivings, blessings, &c. which, being no part of the ceremoniall, is warrant enough for Christians to use the like.

4. The Psalms of David, (which, as they abound with all those necessary parts of God's public service, confession of sinnes, prayers, praise, and thanksgiving, so especially with prayer) many of them having that title, (a prayer) they were not onely used publickly, by both the Jewes church and the Christians, but were penned to that end, and dedicated to the priests that had the office of praising God, and were most excellent in those kinds of musick to which they were set; and the most excellent passages of praise and prayer in them, had the word Selah added to them, to the end that, in the publick use of them, those passages might be iterated, and said or sung over again.

[1] 1 Cor. i 40.

Also, our Saviour himself having given us one form of set prayer, (which he bids, when ye pray, say) and not at all forbidden the use of set forms, makes it out of question, that to pray in a given form is lawfull (so the form be good). And what doubt we but when John Baptist taught his disciples to pray, he did it, by giving them some form, which, our Saviour's apostles liking, desired to have the like from him; and our Saviour (we see) did not so much give them precepts and rules, instructing them how to make prayers of their own, (though his prayer hath that office too) but gave them a perfect prayer, in an exact conceived form; how much should men fear that their conscience (offended at the use of set prayer, without the light of God's word, declaring it to be unlawfull) are consciences blinded with superstition, afraid where no fear is, and their consciences not onely darkened, but their hearts also seduced with self-conceit and singularity, unto perverse and affected contention with the church.

5. While they pretend to free ministers, from a supposed restraint put upon their spirits by the use of set forms, they lay a reall restraint upon the spirits of all congregations; who, being always perfect in the contents and use of their set prayers, do, with prepared hearts and spirits, attend the public and joynt presenting of their known supplications to God for those mercies and graces, which the church, by those forms, declares all men to stand in need of, and every one's particular spirit attesteth to be necessary for him; but if all congregations (which God forbid) should be deprived of the use of them, every man shall go to church bound in the spirit, and know not what supplications he shall make to God, till the mouth of the minister shall declare it, and then the single minister (whatsoever his gifts or faculties be) shall determine of the devotion of the whole congregation, and conclude them all, that they shall make no publick invocation of God, neither for matter nor form, otherwise then as his spirit, and, perhaps, sudden conceit shall minister unto him.

6. When all the service of the church shall stand onely upon the strength and gifts of the preachers, and they differing in gifts one from another, it will inevitably follow, that those of the best gifts will more draw disciples after them than ever, and men will become followers of men, when they shall have no other means of public communion with God, either to hear him, or to speak unto him, then only by the gifts of the preacher, and so the church shall, against God's word, be necessarily drawn into sectarisme and division.

7. Lastly, If we change our set forms of divine worship, into the various and arbitrary service that is to be performed by the minister onely, among many evils (not now to be foreseen) there is to be feared, that when men shall have known no other public exercise of religion, then by the preacher's arbitrary administration, and that he be generally beheld, as the onely minister of the spirit, of publick service and prayer, the consciences of men thenceforth subdued to an awfull dependance on him, shall find the ministers (like the Jesuites) through the soveraignty they hold in matters of religion, to exercise an externall dominion over their fortunes also, and set on foot a more dangerous tyranny in religion, than hitherto the church hath ever known. And if their opposition to set forms of publick service, and to what is used in the church of Rome, shall proceed so farre, as to reject the public reading of the scripture (eight [1] severall lessons or portions of which are now, by God's mercifull providence, dayly, or at least every Sunday and holy-day, publickly read in the church) then shall our church of England, by an ill-guided meaning to oppose the church of Rome, come to imitate her, and towards her children, commit the same cruelty that we justly condemn the church of Rome for using towards hers; who, though she suffer her layicks to hear the word preached, yet suffers them not to hear in their own tongue, the powerfull word of God

[1] "*Viz.* Two in the Psalms, two in the Old Testament, two in the New, and two out of the Epistles and Gospes."—*Original Note.*

read unto them; and we, as well as the Romanists, shall (toward those that cannot, or are carelesse to read) even wholly take away the means which our pious mother the church hath ordained for their conversion. And whereas such publick reading of God's lively and powerfull word is no mean degree of preaching, we shall, in an important part, suppresse the word of God, and through disuse of frequent hearing, breed a generall unacquaintednesse with the precepts and stories of the scripture, which will in time hinder both the understanding and applying of that which shall be preached.

We need not further seek to give particular answer to every quarrell that is now made against severall parts and passages of our liturgy. But when kneeling at the receit of the sacrament is so agreeable to the religious performance of that duty, and yet is quarrelled with, we cannot in silence passe it over; for when want of due preparation is dangerous, yet is not performed without humiliation, contrition, abhorring one's self, forgiving others, turning to them in all charitable affections, thirsting for grace, and fervent invocation of the Divine Majesty for them; how can we perform these rightly, without the lowliest prostration of soul and body that one can solicite God withall? Will we say, it should be done before, but not at our receiving? It is true, it ought to be begun before, but he that can so approve of his preparation before, as to cease, and say, I have done enough, he is rather to fear his presumption, then to rest in such preparation, he perhaps makes a popish *opus aperatum* of his preparation, and cries peace, before there is peace; nor can he say kneeling is an unfit posture to receive that grace in, which is fittest to be begged on our knees. Will we say kneeling is idolatry to the bread and wine? We must then shew that it is commanded to be done to the bread and wine, or intended so, or a least, by protestants, abused so; if none of these be, but it be commanded onely as the proper expression of the reverence and humiliation belonging to the duty, then is the exception not onely without cause, but slanderous and malicious. Will we say, that in the institution of it, our Saviour made not the disciples kneel? True, but let us also confesse that the disciples had the "Bridegroom with them;"[1] who, though he were their Lord, yet called them friends, and admitted them to a liberty suitable. We will not (I am sure) say the sacrament is now to be celebrated in all things as it was then, and no otherwise; and if in any thing there be liberty of receding from what was done at first, whose judgement shall we trust what we must hold, and what we may recede from, if not the judgement and practice of the universall church from the first to this present? And if indeed we would observe the first institution, why spurn we at reeeiving it together at the table, for so the disciples did? And Saint Paul calls it "the partaking of the table of the Lord;"[2] and David, "the preparing of a table for us:"[3] truly the receiving every one, or every family apart by themselves in their seats, suits not with observing of communion, nor coming together to eat, nor eating together into one body, but savours of singularity and inconformablenesse to the observance of a true Eucharist.[4]

[1] John xv. 14, 15. [2] 1 Cor. x. 21. [3] Psal. xxiii.

[4] The observances at receiving the communion were much contested by the Puritans. Nor was the position of the table or altar less keenly reprobated, of which we have the following account in the Biographia: "At the time of our reformation from the errors of popery, on purpose to divert people's minds from considering the Lord's Supper as a sacrifice, the name of altar was turned into table, and it was ordered to be removed from the east end to another part of the chancel. This appears from one of bishop Ridley's injunctions, in 1550, being in these words: 'Whereas, in divers places, some use the Lord's board, after the form of a table, and some of an altar, whereby dissention is perceived to arise among the unlearned; therefore, wishing a godly unity to be observed in all our diocess; and for that, the form of a table may more move and turn the simple from the old superstitious opinions of the popish mass, and to the right use of the Lord's Supper, we exhort the curats, church wardens, and questmen, to erect and set up the Lord's board, after the form of an honest table, decently covered, in such place of the quire or chancel, as shall be thought most meet by their discretion and agreement, so that the ministers, with the communicants, may have their place separated from the rest of the people.' Accordingly the altars were thus removed in most places. But archbishop Laud observing, that by this situation they were liable to several prophanations; as, for instance, that the church war-

It is not to be expected we should here examine all the dissentions in religion that are among us. But seeing that in generall they are the quarrels of particular men for exercise of religion, in wayes either besides, or contrary to the established ordinances and usage of our church (in which yet they can neither charge the church with violating the word of God, nor shew by the judgement of the church catholick, that their own exercise of religion is that which by the word of God is onely to be taught and practised ;) it will not be unnecessary, to represent to further search and consideration, how much some passages of God's word (too little examined by us) are pertinent to the decision of these matters.

For whereas true Christianity is a perfect catholicisme, and contrarily antichristainisme, or fighting against God, walks in singularities, partialities, sects, separations, and the like, it is too apparent, that the ways, wherein men now pretend that the true exercise of religion lyeth, do very much hold the byasse of sectarisme. Who sees it not in our extraordinary running after choice and affected teachers ? In which, though the shew of godlinesse so awes our judgements, that we distrust no errour in it, yet does it concern us to take heed of a deceivablenesse of unrighteousnesse in it. To love, desire, and seek, the lively delivery of God's word, is good, and our duty : and so is it also to love and honour the preacher for the word's sake. But there is great danger in comparing, preferring, and despising of one in respect of another ; this [1] Saint Paul condemns as the practice of carnall men indeed, while we assume the judgement and choice of teachers, and hear, and follow them according as we like their doctrine, and no otherwise, we, under the shew of godly longing after God's word, and honouring the choice preachers of it, discover an hidden exaltation of our selves, and of our own minds and judgements, both above the preachers, and the word they preach.

On the other side, toward the ordinance of the church, and our proper ministers, we do not onely unduely exalt ourselves, but adde unto it disobedience ; yea, even a faulting of God's providence : We make our own Jordans, too shallow brooks to cleanse our leprosies : Our [2] Siloams that are sent, too unclean pools to help our blindnesse : Yea, and we refuse the waters of [3] Shiloab, for no other reason then that they runne softly : We choose our selves streams to our liking, which, like the rivers of Damascus, must be better waters, and of more approved depth and current. Every one must follow his [4] Paul, his Apollo, his Cephas, his Christ.

And as ourselves encline to these wayes, so have we teachers that cherish inclination in us, and find it no small advantage to them, that by applying themselves to the present affectations of men, they can so draw disciples after them. For the effecting of which, though [5] " the weak in faith ought not to be received to doubtfull disputations," yet they, making no difference between strong and weak, school and pulpit, governours and private men, do unto their vulgar auditories, (who, they know, have neither capacity to judge, nor authority to reform) frequently preach their own apprehensions concerning the government of the church, and the right exercise of religion, not onely in things apparent and agreed on, but even in things which they themselves have late-

dens kept their accounts, and dispatched parish-business upon them ; schoolmasters taught boys to write upon them, who laid their hats, satchels, and books thereon ; many sat and leaned irreverently against them, during sermon time ; dogs pissed against them, and otherwise defiled them ; glasiers mending windows there, knocked them full of nail-holes, &c. ; the archbishop, I say, observing this, ordered the tables to be removed close to the east wall, with the ends north and south, and to be railed in, to avoid the like prophanations. But this alteration was attended with violent and unreasonable opposition on the one hand, and too severe prosecutions on the other. And all might have been easily prevented or accommodated only by this plain expedient; that is, by setting out the communion table, on sacrament-days, in the middle or some convenient place of the chancel, and keeping it at other times within rails where the altar had stood, conformably to Queen Elizabeth's injunctions. But in those miserable times, there was no moderation on either side." *Note in Biographia Britannica*, article LAUD.

[1] 1 Cor. iii. 4. [2] John ix. 7. [3] Isai. viii. 6. [4] 1 Cor. i. 12. [5] Rom. iv. 1.

ly questioned, and drawn in doubt, whether they be right or no. By which means, private presumption, insolence, self-conceipt, disdain, uncharitablenesse, and disobedience (sinnes most incompatible with true religion) are grown so great and generall, as that they are become like an epidemick contagion, putting all men in amaze what shall be the end and consequence of them. Of which when we cannot have a greater admonition, then where the spirit of God sets forth the last and perilous times of the church; it is not amisse to summe up into one entire view, what it is, that the Holy Ghost doth there admonish us of.

Our Saviour himself first warnes the church, "to beware of false prophets, [1] that come (saith he) in sheeps cloathing, but inwardly are ravening woolves." Whom that we may know he gives a rule, "Ye shall know them by their fruits," and in another place, "by their works" Where we must note, that fruits and works are to be taken as they are in themselves, and as they are naturally taken notice of in all men's understandings; otherwise we make our Saviour teach *Ignotum per ignatius.* It is true that in every fruit and work that is good in it self, if an evil circumstance, or way, or end, accompany it, the fruit that was good in itself, may by way, or end, be made evil, (as if mercy, charity, zeal, &c. be shewed for ostentation, or for a cloak of pretence, &c.) But in evil fruits and works, it is otherwise, for no end, or circumstance whatsoever, can make that work good, that is evil in itself, as disobedience, sedition, treason, &c. For God, "having no need of a wicked man," and forbidding us, "Thou shalt not do evil, that good may come thereon," he takes from evil works all the help that their good end or circumstances may do them. When, therefore, we find a deed, that in itself is evil, we must not make that good, for the good end, or good intent of the doer; but, contrarily, we must make him a misdoer, notwithstanding the good end and intent of the action. Our Saviour further reveals, That "many shall come in his name, and shall deceive many;" the manner of whose coming, he intimates to be by way of secret insinuation here in the chamber, or by way of seperation "there in the wildernesse."

In the [2] Acts of the Apostles, Saint Paul gives warning of the like false teachers, and tells the pastours of the church, "Of your own selves shall men arise, preaching perverse things, to draw away disciples after them." In the second of the [3] Thessalonians he foretells of a "falling away," and of the "revealing of the man of sinne that exalteth himself above all that is called God, or worshipped:" whose coming he shews to be after the "working of Saten, with all power and signes, and lying wonders, and with all deceiveablenesse of unrighteousnesse." Again, in the first of [4] Timothy, he foretels a "departing of some from the faith, giving heed to seducing spirits, and that speak lyes in hypocrisie, forbidding marriage, and meats:" in the second of [5] Timothy, he declares, that in the last dayes, "perilous times shall come," the perilousnesse of which he shews to be in this, that "men shall be lovers of themselves, covetous, boasters, proud, truce-breakers, false-accusers, incontinent, fierce, despisers of the good, traiterous, heady, high-minded, &c. having a form of godlinesse, but denying the power thereof, &c. Of which sort are they that creep into houses, and lead captives silly women, laden with divers lusts, ever learning, and never able to come to the knowledge of the truth." And, lastly, that "the time would come, when they would not endure sound doctrine, but, after their own lusts heap to themselves teachers.

Saint Peter forewarneth also of false teachers, [6] shewing that they should "privily bring in damnable heresies, even denying the Lord that bought them;" an especiall description of whom, he maketh in this, that they "despise government, are presumptuous, self-willed, and not afraid to speak evil of dignities."

[1] This first class of false teachers, characterized as covetous, boasters, proud, and despisers of dignities, was probably intended to shadow forth the insolent, predominating, and intolerant steps of the presbyterian clergy.
[2] Acts xx. 30. [3] Thessal. ii. 3. [4] 1 Tim. iv. 1, 2, 3. [5] 2 Tim iii. 1, 2, &c. [6] 1 Pet. ii. 10.

Saint John tells us, that as [1] "we have heard that Antichrist shall come, even now there are many Antichrists." And them he deciphers by their inconformity and disobedience, "They went out from us, (saith he,) but are not of us; for if they had been of us, they would have continued with us."

Lastly, Saint Jude, in his generall epistle, [2] warneth the universall church of men of like singularities, noted by this, that "they creep in unawares, that they despise dominion, and speak evil of dignities, that they speak evil of those things they understand not, that they go the wayes of Core, and runne greedily after the errour of Balaam for reward, and perish in the gainsaying of Core," (as much as to say, men of unbrotherlike affections, seekers of their own gain, and disobedient to their superiours) further, that they "are murmurers, complainers, walking after their own lusts, speaking swelling words, having men's persons in admiration for advantage;" and, lastly, that they be "they that separate themselves."

What have we in this, but an entire description of the whole practice of the spirit of errour, and of adversation to Christianity, which the scripture calleth Antichrists. By which, sinne (that through the light of the gospel was subdued, and deprived of his first and naturall empire, consisting in the grosse viciousnesse of corrupt nature) turning himself unto his arts, like the devil into an angel of light, does now, with refined and mysterious falsities (such as resemble piety, and true religion) renew his onsets in a warfare of a more dangerous consequence; so various, and, in appearance, so contrary often to sinne, as puts the strongest Christian to the use of all his "armour of righteousnesse, as well on the right hand as on the left," [3] to be able to withstand him.

This antichristianisme is here represented to us in a twofold form. The first an empire of mysterious sinne; a body of members well united together under one head, or soveraigne, set forth one while by the names of the "man of sinne, the sonne of perdition, the wicked one;" another while by the name of "Babylon the Great, the mother of fornication, the great whore," &c. The description of which empire is in such characters as marvelously suiteth with the Roman papacy.

The other form of mysterious wickednesse is of a quite contrary nature. [4] A loose anarchy of singulars, of men by themselves, not united together in one by any common bond of true communion; but (like quick-sands cast together, by the working of the sea, and from time to time shifted and changed with it so) they, as judgements, private ends, or affections, do concur, are brought accidentally to a concurrence among themselves, but without any ground, or solid principle of uniting. For tho' they seem to put on the yoak of Christ, yet every one keeps the bonds of the yoak in his own hands, and is the soveraigne arbiter of his own obedience. Notwithstanding which contrariety of theirs to the Roman church (who abuses obedience as these do liberty,) they are no other then derivatives of the same spirit of errour, begot by way of opposition, on her that is "the mother of fornications," who having, against the manifest word of God, usurped a tyrannicall soveraignty both over God's word, his church, and all the princes of his church, and being beaten from it, the devil, instead of quitting the rule, that he held by her monarchall tyranny, changes onely his vicegerent, and continues the same usurpation in a popular and anarchell way; that is,

[1] 1 John ii. 19. [2] Ep. Jude v. [3] 2 Thess. ii. 3 and 8.

[4] The author proceeds to describe the independents, including various sects of anabaptists, quakers, fifth monarchy men, and persons above ordinances, who resorted neither to counsel nor to classes for removal of doubts, but held the private spirit to be the guide of every individual in interpreting the scriptures, and consequently, made as absurd deductions as it was possible for enthusiasm to beget upon ignorance.

by the hands of every particular man, or number of men, who (abusing the example of rejection of her usurped authority) shall invade and reject all authority how lawfully soever established in the church. Both are opposers of Christ's doctrine, both usurpers of the authority of his church; both hiding their usurpation under a form of godlinesse. They differ but in this: men in the one, partake onely of the iniquity by influence from the head; but in the other, every distinct member is the original author of it to himself.

We finding then such an alerme in the scripture blown against perverse and self-led professours of religion, set forth unto us by such characters as "wolves,"[1] followers of Cain,[2] Balaam, and Corah, cursed children," and the like; notwithstanding that they have "sheep's cloathing, forms of godlinesse, and fained words" to cover them; it remains, that we strictly examine what fruits, or works, have passed our hands, which in their common and naturall acceptation are evil, though brought forth for good ends, and that we utterly relinquish them; that we take heed of wayes of singularity, that lead to "false accusation, trayterousnesse, headyness, high-mindednesse, and denying of the power of godliness;" that we take heed of the doctrines of those "that draw disciples after them," that "creep into houses," that "go out from the fellowship of the apostles, and continue not with them," that follow the wayes of Cain's" uncharitablenesse, of Balaam's prophesying for lucre, or of Corah's disobedience; that we take heed of those that "despise government, are presumptuous, self-willed, not afraid to speak evil of dignities, that despise dominion, have men's persons in admiration because of advantage," that "heap to themselves teachers," that "separate themselves." And, lastly, that while we justly hate popery, we do not in any thing partake of that sinne of the pope's which made him that hatefull apostate, and mystical enemy of the church, namely, that we do not, by assuming into a wrong hand, any power or authority which God hath by his word committed to the body of the pastours of his church onely, rob him of his rightfull signory and jurisdiction, as they that have invaded his "tythes and offerings, robbed him"[3] of his rightfull revenue, and possessions.

Exod. xxiii. 2.

Thou shalt not follow a multitude to do evil; neither shalt thou speak in a cause, to decline after many, to wrest judgement: or as St Hierome translates these words:

Non sequeris turbam ad faciendum malum, nec in judicio plurimorum acquiesces sententiæ, ut à vero devies.

[1] 1 Pet. ii. 15. [2] Ep. Jude x. [3] Mal. ii. 8.

The Popes Nuntioes, or the Negotiation of Seignior Panzani, Seignior Con, &c. resident here in England with the Queen, and treating about the Alteration of Religion with the Archbishop of Canterbury, and his Adherents, in the Years of our Lord, 1634, 1635, 1636, *&c. Together with a Letter to a Nobleman of this kingdom, concerning the same.*

London, Printed for R. B. 1643.

Lord Clarendon thus describes the halcyon state of the English Catholics before the civil war: —" The papists had for many years enjoyed a great calm, being upon the matter absolved from the severest parts of the law, and dispensed with for the gentlest, and were grown only a part of the revenue, without any probable danger of being made a sacrifice to the law. They were looked upon as good subjects at court, and as good neighbours in the country; all the restraints and reproaches of former times being forgotten. But they were not prudent managers of this prosperity, being too elate and transported with the protection and connivance they received; though I am persuaded their numbers increased not, their pomp and boldness did to that degree, that, as if they affected to be thought dangerous to the state, they appeared more publicly, entertained and urged conferences more avowedly, than had been before known: they resorted at common hours to mass to Somerset House, and returned thence in great multitudes, with the same barefacedness as others came from the Savoy or other neighbour churches: they attempted, and sometimes obtained, proselytes of weak uninformed ladies, with such circumstances as provoked the rage, and destroyed the charity, of great and powerful families, which longed for their suppression: they grew not only secret contrivers, but public professed promoters of, and ministers in, the most odious and the most grievous projects; as in that of soap, formed, framed, and executed, by almost a corporation of that religion; which, under that licence and notion, might be, and were suspected to be, qualified for other agitations. The priests, and such as were in orders, (orders that, in themselves, were punishable by death,) were departed from their former modesty and fear, and were as willing to be known as to be hearkned to; insomuch, that a Jesuit at Paris, who was coming for England, had the boldness to visit the embassadour there, who knew him to be such, and, offering his service, acquainted him with his journey, as if there had been no laws there for his reception. And for the most invidious protection and countenance of that whole party, a public agent from Rome, (first Mr Con, a Scotish man, and after him the Count of Rozetti, an Italian,) resided at London in great port; publicly visited the court; and was avowedly resorted to by the Catholicks of all conditions, over whom he assumed a particular jurisdiction; and was caressed and presented magnificently by the ladies of honour who inclined to that profession. They had likewise, with more noise and vanity, than prudence would have admitted, made public collections of money to a considerable sum, upon some recommendations from the queen, and to be by her majesty presented as a free-will-offering from his Roman Catholick subjects to the king, for the carrying on the war against the Scots; which drew upon them the rage of that nation, with little devotion and reverence to the queen herself; as if she desired to suppress the protestant religion in one kingdom, as well as the other, by the arms of the Roman Catholicks. To conclude, they carried themselves so, as if they had been suborn'd by the Scots, to root out their own religion."—Clarendon's *History of the Rebellion,* I. 148.

This favourable state of affairs for the Catholic cause in England, was somewhat chequered by the internal division which prosperity occasioned, or at least encouraged. The perpetual feud between their secular and regular clergy, broke forth with great animosity in a controversy, concerning the spiritual authority of Dr Smith, bishop of Chalcedon, a catholic bishop in *partibus.* In order to compose this strife, the Pope, in 1634, sent to England, Gregory Panzani, a civilian and a Roman priest, who appears also to have been empowered to treat with such of the English clergy as might, upon any terms, feel disposed towards a reconciliation with Rome. The constant opposition of the Puritans to rites and ceremonies, festivals and holidays, fasts and forms of prayer, increased the devotion of Laud and his adherents to those matters which were the point of controversy between them, and disposed them of course to

look with a more indulgent eye toward the catholic ritual. The pope's envoy was undoubtedly instructed to avail himself of these favourable circumstances, and, in particular, it is certain, that, through him, or some similar channel, a cardinal's hat was offered to the archbishop of Canterbury; but Laud replied, "there was something within him, which would not allow him to accept that, untill Rome were otherwise than it then was." He was, in truth, better pleased with the catholic doctrine, than with the court of Rome, and his designs were probably most truly estimated by those who thought that he rather intended to reconcile the English Catholics to the church of England, by making some concessions in point of form and ritual, than again to reduce England to the obedience of the papal see. This was much the tendency of a work, written by one Sancta Clara, *alias* Dampert, a Franciscan friar, entitled, *Deus, Natura, Gratia.* The having relieved and encouraged this priest, was one of the articles of accusation against the archbishop; and how the purpose of the work was regarded by the papists, will appear from the following conversation between Wilson the historian, and Weston, an English priest.

"Some English and Scotch jesuits found me out at my lodging, with whom I had often conversed. Among the rest, one Dr Weston, an old man, fell into discourse with me about the state of England. Hee loath'd the memory of Queen Elizabeth. These times please him better: but the little archbishop of Canterbury hee could not endure.

"I pull'd a booke out of my pocket, written by the provincial of the English friers, Johannes de Sancta Clara, which tended to reconcile the church of England and the church of Rome, if we would come up a step to them, and they come down a step to us. Hee told mee, that 'twas impossible that the church of Rome should ever descend in the least degree; and the author of the book, if hee were at Rome, would be mew'd up between two stone walls, and his book burnt under his nose. I know the man (said he) hee is one of Canterbury's trencher flies, and eates perpetually at his table; a creature of his making.

"Then, said I, you should better approve of my lord of Canterbury's actions, being hee tends so much your way. Noe, reply'd hee, hee is too subtle to be yok't; too ambitious to have a superiour. Heele never submit to Rome. Hee means to frame a mottley religion of his owne, and bee lord himselfe."—Peck's *Desiderata Curiosa*, II. 473.

Sir Philip Warwick's account of the religious principles of Charles comes to the same issue.

"No gentleman in his three nations, tho' there were many learned, (for I have supposed him but competently learned, tho' eminently rational) better understood the foundations of his own church, and the grounds of the reformation, than he did; which made the pope's nuncio to the queen, Signior Con, to say (both of him and Archbishop Laud), when the king had forced the archbishop to admit a visit from, and a conference with, the nuncio, that, when he came first to court, he hoped to have made great impressions there; but after he had conferred with prince and prelate, who never denyed him any thing forwardly or ignorantly, but admitted all which primitive and uncorrupted Rome for the first 500 years had exercised, he declared he found that they resolved to deal with his master the pope, as wrestlers do with one another, take him up to fling him down."—Sir Philip Warwick's *Memoires*, p. 68.

The issue of these obscure intrigues was fatal to Laud; and the following account of them was published, with the obvious purpose of inflaming the popular mind against him. The narrative is said to have been furnished by the Venetian envoy, the republic being then on bad terms with the papal see. Whether this be the case or no, the moderation of the statement entitles it to very considerable credit, and redeems it from any charge of being forged by the adherents to the popular party, as may easily appear from comparing the spirit of the statement itself, with that which appears in the preliminary epistle of the editor.

My Lord,

I have read with a studious eye this discourse which your lordship commended to my observation, and I must confesse, that I was not more sorry that England loved Rome so well, than I am glad the affection betwixt them is thus discovered. For, although the marks of the beast, for some years past, were legible enough in every corner of this land, and the clergy generally could speak Italian, or were apt to learn it; yet such a spirit of security did possesse us, and hope and fear had such influence upon our wretched soules, that we could not see that alteration which we lookt upon, and the gospel was almost fled away before be believed it had any wings. But the great and mysterious riddle is here unfoulded, and those curtains of peace and charity

which did so speciously cover this work of darkness, are drawn from off it. He that will not now understand, that Tibur and Thames were almost in one channell, shall have my vote to graze upon the mountains, and forfeit his reasonable soule, whch in so clear a day will not discern the waters running. I believe your lordship with more boldnesse, will concurre in this sentence, when you shall hear that the Venetian ambassadour was the author of this little story, a man, whose religion would not permit him to favour the reformed churches, or to blast his own with any falshood, especially in an accompt to a wise state which had employed him; a man of dear acquaintance with Panzani, and although no master-builder, yet a pious servant and spectator of the work; when you shall also hear the Italian copy was first translated into French for the great cardinals satisfaction; and I do not doubt it hath good acquaintances in the Spanish court, and could speak that language long ago. I could proceed further, but that the limits of a letter cannot receive my thoughts concerning this argument, and my eyes behold so much light, that they are altogether dazled with the lustre. A short time (if God permit) shall produce a volume, which may prove me not only a lover of the truth, but in all lawfull commands,

Your lordships most obedient servant, D. T.

Religion having a great power over the spirit of man, and an incomparable force thereupon to produce effects extraordinary, some men embrace it with sinceritie of affection as a way leading to true felicitie: but other esteem more of it for the general profit which redounds from it to humane societie, then for any other excellence discerned in it. Princes and sage polititians are of this latter sort of men, giving reverence to it for the commoditie which they receive from it; as well knowing by experience of all ages, that there is nothing more proper to preserve men in concord, and render the people obedient to the higher powers. Therefore the most advised and reserved princes, though in their souls they make no account of religion, yet in appearance they alwayes endeavour to seem extreamely religious, and inflict exemplary punishment on such as attempt any thing against the puritie of it; foreseeing with great prudence, that it is impossible any alteration of religion should happen without trouble and distraction in the state. And indeed in these latter times we see those states and realms which have prevented divisions of religion have maintained themselves in peace and tranquilitie, as Italy and Spaine: whereas in others, on the contrary, where the introducing of new opinions has divided the people, there consequently arms have been taken up by one against the other; witness France and Germany. And though some countreys have undergone change of religion without interruption of their repose; yet, if we examine the reasons of it, we shall find the said change to have sprong from some extraordinarie cause, rather than from diversitie of opinion amongst the people. The separation of England from the church of Rome was not caused so much by the desire of reforming religion, as from animosities conceived by Hen. 8. against the court of Rome, by reason of its difficult consenting to the dissolution of his marriage with Kathrine of Castile. And though under Edward his son the reformation was received by publick consent of the whole realm, it was grounded upon the same cause, and by obstinate opinion of new doctrine; for under the reign of Queen Mary the kingdom was as easily reconciled to the church of Rome again, as it had been separated before. Queen Elizabeth being come to the crown, and her interests swaying her to favour the reformation, she found her people as far disposed to embrace it, as they had been forward to reject it, in her sisters's time; and so the length of her reign bringing in a permanence of form, she so well establisht it, that it hath since firmly continued under her successors James and Charles. But forasmuch as this reformation (as has been said) was induced more for interest of state, and to deliver that kingdom from the pope's yoke, then for love of new opinions, therefore the English did not so ingage themselves to those particular opinions, but that they have since set themselves to reform the abuse of re-

ligion by reducing themselves again to the old practise of their fore-fathers. Nevertheless this realm is so perversly addicted to maintain its own resolute opinion of excuding the pope's authority, that this hath been the cause why the Catholicks (who for the first 12 years conformed themselves to the policie introduced into the church of England) have since separated themselves from it; and to testifie their uniting to the pope, have refused to frequent the protestant churches, and thereby have framed one partie in that state. England being so divided into Protestants and Catholicks, a considerable number of people, by reason of the warres in France and the Netherlands, retired into it from those countreys with their preachers; and being seasoned and initiated with the doctrine of Calvin, they judged the English reformation but imperfect, and so refusing submission to that form of policie, by this means they constituted a third partie, named Puritans. These three factions are still at this day in sway. That of the Puritans is the most potent, consisting of some bishops, all the gentry and commonalitie. That of the Protestants is composed of the king, almost all the bishops and nobilitie, and besides of both the universities. The Catholicks are the least in number, yet make up a partie in that state sufficiently considerable, because the body of them is composed of such of the nobility as are most rich, powerfull, and strong in alliance, and of no small number amongst the inferior sort. Now these three factions in religion, though they all oppose one another, yet the hatred of Protestants against Puritans is greater then against Catholicks, and that of Puritans is greater against Catholicks then Protestants. And thus both Catholicks and Protestants do very easily combine together for the ruin and rooting out of Puritans: And, were it not for the interests of some great ones at court, who serve themselves by pretext of religion, to attain to their own ends, and thereupon to win their attendance, have received them into protection, it would be no hard matter to suppresse, and quell the Puritans. The realm being in this condition, there is happened a discord amongst Catholikes, which has distracted them also into factions, the occasion whereof was the pretended jurisdiction of Dr Smith, an Englishman, bishop of Chalcedon, contesting for the power of ordinary over all England: In which he was abetted with the favour of all the secular clergy, and all Catholicks adhering to them.[*] The regulars hereupon, and more especially the Jesuits, opposed themselves, and wrote divers books both scandalous and

[*] The policy of dividing the Roman Catholic secular clergy from the regulars, was adopted by the primate Bancroft, who assisted the former by his advice, and even by his pen. Wood gives the following account of Dr Smith, &c. whose claims of jurisdiction gave vivacity to the controversy:—"Richard Smith was born in Lincolnshire 1566, became a student of Trinity College about 1583, went a course there, but before he took a degree, he left the college, went to Rome, ran another course of studies there, not in philosophy, as he did in Trinity College, but in divinity, wherein making great proficiency, was sent by his superior to Valladolid in Spain, where he took the degree of doctor of divinity. Thence I suppose he went into the mission of England, in which employment he remained some years. From thence he was sent for to Rome, to be consulted with about the affairs of the English popish clergy. Which being finished according to his mind, he was remitted into England again, and at length was by the pope made bishop titular only of Chalcedon in Greece, and by him commissionated to exercise episcopal jurisdiction in England, over the Catholicks there. The chief stage of his action was Lancashire, where he appeared in his pontificalia, with his horned mitre and crosier, conferring of orders, bestowing his benediction, and such like, to the wonder of ignorant and poor people. At length the king, having received notice of these matters, he renewed his proclamation in 1628 (one of a former date taking no effect) for his apprehension, promising an hundred pounds to be presently paid to him that did it, besides all the profits which accrued to the crown, as legally due from the person that entertained him. But the bishop having timely notice of these matters, conveyed himself over into France, where he became a confident of Armandus du Plessis, cardinal and duke of Richlieu, who conferred upon him the abbotship of Charroux, in the diocese of Poictou, which he kept and received the profits of it till 1647, and then Julius Cardinal Mazarine took it into his own hands. The convenience and validity of the episcopal power of the said Dr Smith was made the subject of several books, which were written thereon, viz. in favour of him were, 1. *N. le Maistre*, a Sorbon priest, in a book entitled, *De persecutione Episcoporum et de Illustrissimo Antistite Chalcedonensi*. 2. The Faculty of Paris which censured all such that opposed him. In opposition to him or them, were, 1. Daniel, a Jesuit, or *Dan à Jesu*, *i. e.* John Floyd, a Jesuit; 2. one Horucan; 3. Lumley, an Englishman; and 4. Nicholas Smith, a regular, who, with his brethren, did make so great a stir about this bishops authority, and were heightened to that animosity against the secular priests, (the bishop being of that number,) that the pope was forced to rouze and de-

prejudicial to the power of bishops: all which have been censured and condemned by the university of Paris: And Peter Aurelius, a doctor there, has written very learnedly in confutation of the said books. But this did little avail to the appeasing of the difference, it did exasperate rather the regulars, so that they raised such persecution against the said bishop, that he was faine to fly out of England into France, and there he is still residing. And since his retreat, the dissentation is grown more fierce, insomuch, as the pope taking notice thereof, and desiring to apply some convenient remedie, and, yet not clearly discerning the truth of those affairs, so as they were disguised by the cunning and subtilty of each party, he then resolved to send over some person, by whose presence upon the place he might be best informed of the truth for the applying of some expedient to those broyls. Thus, in the year 1634, his holinesse did dispatch into England Signior Gregory Panzani, a doctor in law and Romish priest, and by his papal brief, dated the 10 of October of the same year, directed to the English clergy and Catholicks, he required and commanded credence to be given him, in whatsoever Signior Panzani on his part should expose to them. Cardinal Fran. Barbarini also, to accompany his holiness brief, sent a letter of his own to the said Catholicks and their clergy, with which and his instructions Signior Panzani arrived at London the 25 Decem. 1634, where he saluted the queen, and afterwards the king also, who received and treated him with much kindnesse, telling him that he was very welcome: Yea, his majesty remained uncovered during all the discourse, and entertainment. He did also desire conference with the archbishop of Canterbury, but was put off and procrastinated therein from day to day: So that at last he departed the kingdom without any speech had with him. From his arrival at the time of his abode in England he much applyed himself to Secretary Windebank, and the Lord Cottington, presuming by the means of the one to maintain himself in the favour of the archbishop and his party, and by the other to avoid the hatred of the contrary side. By means of a friend of his, he endeavoured to sound some of the English doctors of the archbishops adherents, whether or no the king would permit the residing of a catholick bishop of the English nation to be nominated by his majesty, and not to exercise his function, but as his majesty should limit. This proposition was not very pleasing; yet, after better advisement, they answered, that Seignior Panzani should first declare, whether the pope would allow of such a bishop to be designed as did hold the oath of allegiance lawfull, or at least would tolerate the taking thereof by the Catholicks. In this Seignior Panz. would not declare himself, excusing it for want of commission, and so that treatie was interrupted. Nevertheless, to his intimate friend, on the second of Octob. 1635, he declared privately, that the pope would never admit any man to govern as bishop that would not favour the oath of allegiance or fidelitie: Yet as to the said oath, some divines of the archbishop's party told the forenamed friend of Panzani, that forasmuch as Catholicks formerly would not take the said oath of fidelity, because they believed it prejudicial to the pope's authority, and that the pope might not complain, that the taking of the said oath was contrary to two of his briefs prohibiting the same, the king

clare himself concerned in so great a scandal to the unity of the Roman church. And because he would not proceed to cure this schism, untill he rightly understood the original ground thereof, he dispatched over into England, Gregory Panzani, a civilian Roman priest, an. 1634, with a commission of oyer and terminer, of hearing and determining the quarrel; if not to certify to him the state of the cause, and where the fault lay. This was the upper mantle of the plot, which had readily in it enough to overspread more secret designs, so that they were not transparent to vulgar eyes. But tho' his instructions would not own any other lading, yet some, especially the puritanicall party, held it for certain, that they had taken in other contrivances of pernicious import to the church and state of England. He tarried here till 1636, having by that time procured an indifferent fair agreement between the seculars and the regulars. What else was to be done in the matter, was to be performed by seignor George Con, the pope's agent, sent into England the same year of Panzani his departure. As for the bishop of Chalcedon, he was a general read scholar in the controversies between the papists and protestants, in histories whether civil or profane, and did great service for the cause he professed."——Wood's *Athenæ*. II. 186.

did declare that he did intend no prejudice to the pope's spiritual authoritie by the said oath, nor require therein any other fidelity from his subjects then such as God and nature obliged them to. And this will and intention of the king should be published to all Catholickes, at such time as the oath should be presented. The court of England, and the prelates, with much zeal and passion, sought to procure a toleration of the said oath from the pope; alleadging, that, if it were in the king's power to change it, he would retrench all such words as seemed opposite to his holinesse authority; but the same being conceived, and enacted solemnly in parliament, to change it was beyond the kings power: Yet the explication appertained to his majesty what the intendment thereof should be; and so by a declaration his majesty would clear, that he intended no prejudice to the pope. On the contrary, Panzani replied, that the oath containing some formal terms, contrary to the authority due to his holinesse, and the intention of the parliament being to oblige subjects to such fidelity as was due to princes only, the king ought to change the said oath, and put in such terms as he pleased, so long as he altered not the parliament's intention. Whereupon, we are to consider deliberately the different intentions of these two courts: That of Rome, in perpetual pursuance of its old pretences, is more solicitous and laborious to reverse and destroy the said oath, because the same seems contrary to its temporal grandeur, than to extirpate such heresies as that realm is infected with. But the aim of the English court is to procure either an approbation, or toleration, of the oath from Rome, out of hope to effect thereby a reconciliation between both courts; yet, not intending to effect the same without very great advantage, and that in things contrary to the maxims of Rome, to which that will never accord. As, for example, to get permission that Catholicks may indifferently frequent Protestant churches; that the papal power and dignity shall be confessed to be only of human right, &c. And that which persuades the court of England, that the pope may grant his approbation to the oath is, because it seems that many of the catholick doctors, notwithstanding any briefs of the pope to the contrary, have maintained the lawfulness of it, both with their tongues and their pens. As to a reconciliation between the churches of England and Rome, there were made some general propositions and overtures by the archbishop's agents, they assuring that his grace was very much disposed thereunto, and that, if it was not accomplisht in his life time, 'twould prove a work of more difficulty after his death; that, in very truth, for the last three years, the archbishop had introduced some innovations approaching the rites and forms of Rome; that the bishop of Chichester, a great confident of his grace and the lord treasurer, and eight other bishops of his grace's party, did most passionately desire a reconciliation with the church of Rome; that they did day by day recede from their ancient tenets, to accommodate with the church of Rome; that, therefore, the pope, on his part, ought to make some steps to meet them, and the court of Rome remit something of its rigour in doctrine, otherwise no accord could be. And in very deed, the universities, bishops, and divines of this realm, do daily embrace catholick opinions, though they profess not so much with open mouth, for fear of the Puritans. For example, they hold that the church of Rome is a true church; that the pope is superior to all bishops; that to him it appertains to call general councils; that it is lawful to pray for the soul of the departed; that altars ought to be erected of stone: In sum, that they believe all that is taught by the church, but not by the court of Rome.

There was likewise an English doctor, that told Panzani's forementioned friend, that the king did approve of auricular confession, and was willing to introduce it; and would use force to make it received; were it not for fear of sedition amongst the people.

These affairs being so disposed, and the overture of a peaceable reconciliation so mature, for the treating of the same, Signior Panzani was advised to speak no more of the establishment of a catholic bishop in England, that being so odious to the prelates there,

but to procure from the king permission for a nuntio or agent from the pope, to be addressed to the queen; which, without any bruit, might reconcile the two courts.

And Panzani's forementioned friend did communicate the same to a personage, which had many friends about the king; so that this expedient was proposed to the king, and by Panzani himself to the queen.

The king entered into deliberation upon it with some of his most intimate counsellors, who did approve thereof; upon condition, that he that should be sent from the pope should be no priest.

The king also, to stop the mouths of murmurers, when this should be publicly rumoured, said, in the presence of many, Why may not I as well receive an ambassador from the pope as I do from other catholick princes? And another time, I can now reconcile myself to the church of Rome with much advantage.

This affair being so established by Panzani, further to cover his designs, and to afford some satisfaction, both to the popish clergy and regulars of England, and to testify his care of the main business, for which he was sent over, he did procure some accord betwixt the seculars and regulars, by common consent, upon the 22d of November, 1635, where the Jesuits alone would not come in.

Since that time Panzani did apply himself to court the amity of the bishops and clergy of England; and particularly of the bishop of Chichester, to whom he was presented by his old friend; by whom he did also caress others; injoyning his said friend to make promise of cardinalships to such as live unmarried; and of pensions to such as aspired not thereunto.[1]

As to affairs of the civil state, the said Panzani hath used incredible diligence to discover the passions, inclinations, and dependances of the king's counsellors; especially of such as are well-affected to Spain; and to discern the inclinations of the prelates, and the means of gaining and assuring them; as also all the officers of the prince's house, whose names he has also taken, and entered in his memorial.

In the month of July, 1636, there arrived in England, as the pope's resident, Seignior George Con, a Scottishman, secretary for the Latin tongue, to cardinal Barbarini, who was most kindly entertained by the king, queen, and all the court; and, having great acquaintance and friends, he made much more noise and bruit, than Panzani had done, by giving and receiving visits from a great number of the nobility. Yet there is little evidence that he shall advance the affairs of religion better than Panzani, because of the diffidence of the English, to whom he seems a more cunning vulpine man. And though the report is, that he is insinuated into the hearts of the Jesuits, who now govern the best families of England, yet there is little hope of profit by that means;

[1] Archbishop Laud made the following answer to that part of his indictment, which stated his having been tempted with the offer of a cardinal's hat: "At last came in the last charge of this day, that a cardinal's hat was offered unto me. My diary quoted for this, at August 4, and 21, 1633. I could hinder no offer, unless I could prophesy what each man came about, and so shun them. But why is not my answer there set down, expressed too? My answer was, 'That somewhat dwelt in me, which would not suffer me to accept that till Rome were other than now it is.' Besides I went presently to his majesty, and acquainted him with it; which is all that the law requires at my hands. And his majesty very prudently and religiously, (yet in a calm way, the persons offering it having relation to some ambassadour) freed me speedily of that, both trouble and danger. They urged farther out of the papers of Andreas ab Habernfield (which Mr Prynn took from me in his search) that signior Con had power to offer me a cardinal's hat. The words which they cite are (for I could never get a sight of those papers since,) *Mandatum habuit offerre, sed non obtulit.* What power he had to make me such an offer, I know not; but themselves confess he did not offer it. Nor had ever any speech with him during all the time he staid here. I was solicited as much by honourable friends, to give him admittance to me at Lambeth, with assurance he should speak nothing about religion, as ever I had about any thing in my life. I still refused, and could not persuade myself to do other; and yet could not but inwardly *(in verbo sacerdotis,* this is true) condemn myself of gross incivility for refusing; for which yet now I see I am much bound to God for that unmannerlyness. Had I correspondence with him, though never so innocent, where had I now been? Besides I would not have it forgotten, that, if to offer a cardinal's hat, or any like thing, shall be a sufficient cause to make a man guilty of treason, it shall be in the power of any Romanist to make any English bishop a traytor when he pleases: a mischief not to be endured. And thus this long and tedious day ended; and I had order to attend again on July 24, which I did accordingly."—*State Trials*, I. p. 921.

because if the court perceive this complyance, it may diminish the good opinion which is now conceived of him. For both the archbishop and bishop of Chichester have said often, that there are but two sorts of persons likely to impeach and hinder reconciliation, to wit, Puritans among the Protestants, and Jesuits amongst the Catholicks.

Out of this discourse it may be inferred (if it be lawful to make judgment of things future by things past) this realm so divided into so many factions in matter of religion, and that of the Catholicks encreasing daily by the countenance of the king, will in time (as is to be feared) be troubled and torn with civil wars, which cannot fail amongst so many parties, when some heads shall once appear to them, and such will soon be found amongst the king's children.

A Sermon preached at a Fast, &c.

This is one of the alarums beaten by the " drum ecclesiastic," during the great civil war. It would be trifling to repeat, that so often as the spirits of the London citizens began to flag owing to the stagnation of trade, and other privations occasioned by the war, it was the custom of the leaders in the House of Commons to appoint a fast, when the most popular preachers employed their eloquence to re-animate the sinking spirits of the city. This resource was never more necessary than in January, 1642-3, when the king's late approach to Brentford had struck terror into the minds of the wealthy Londoners, while the commencement of a treaty had given them hopes of peace, which they were impatient to see realized. At this crisis, therefore, to subdue the rising " of contradiction or malignity," which had displayed itself in some, and to dispel the apathy and insensibility of others, the following sermon was preached and printed. Of the preacher I know nothing, except what is communicated by the following extract from Wood, which, indeed, shews rather who he was not than who he was.

" This William Bridges, (speaking of one who had written on the legality of bearing arms against the king,) I take to be the same with him who wrote some short annotations on the Loyal Convert. Lond. 1644. in 4 sheets, in qu. But not the same, I presume, with William Bridges, preacher at S. Dunstan's in the East, London, author of ' Joab's Counsel and David's seasonable hearing it,' Sermon before the House of Commons at the public Fast, 22 Feb. 1641, on 2 Sam. 19. 5, 6, 7, 8. Lond. 1643-4, and of other things. I find one Will. Bridge to have been fellow of Emanuel College, in Cambridge, and afterwards a minister in Norfolk; but, to avoid the censures of episcopal consistories, he, with Jeremiah Burroughs, withdrew themselves into the Low-Countries. Archbishop Laud, in his annual accounts of his province to the king, for 1636, thus mentions this man: " Mr Bridge, of Norwich, rather than he will conform, hath left his lecture and two cures, and is gone into Holland." King Charles's note upon this is, " Let him go, we are well rid of him." Upon the change of the times, occasioned by the Presbyterians, Bridge returned, became minister at Yarmouth, in Norfolk, a frequent preacher before the Long Parliament, a notorious independent, and a keeper up of that faction by continual preaching, during the time of usurpation; silenced upon his majesty's return, carried on his cause, with the said Jeremiah Burroughes, in conventicles at Clapham, in Surrey, till about the time of his death, which happened in 1670. I say this Will. Bridge, while he lived, published several sermons and theological tracts, and after his death had 8 of his sermons made public, which are entitled, Bridge's Remains, &c. Lond. 1673-8, with his picture before them, is not to be taken to be the same with Will. Bridges before-mentioned, because of the different writings of their names.'—Wood's *Athenæ*, II. col. 364.

Die Mecurii, 22. Feb. 1642.

It is this day ordered by the commons house of parliament, that Mr Glyn shall returne thanks to Mr Bridges, for the great pains he tooke in the sermon he preached at the intreaty of this house at St. Margarets, in the city of Westminster, (being the day of publique humiliation,) and is likewise to desire him to print and publish his sermon; and it is further ordered, that no man shall presume to print his sermon, but whom he shall authorise under his hand-writing.

H. Elsynge, Cler. Parl. D. Com.

I doe appoint Andrew Crooke, stationer, to print my sermon.

W. Bridges.

To the Honourable the House of Commons assembled in Parliament.

In a willing obedience to your commands, I here present to your eyes, what you were lately pleased to attend unto with great patience and Christian chearfullnesse with your eares. Christ Jesus please to speake that to the hearts of the auditory, which I did to their eares, that in this time of great sorrow, there may that evidence be to our ministrey, (which would be to every conscionable man a matter of great joy) that some may be undeceived, and brought to see the things that concerne their peace: A wonderfull security and insensibleuesse lies upon our people every where, beside a spirit of contradiction or malignity, deserving a censure like that, *Act* 7. 51. My humble request to you is, that you will please to accept this as an earnest of my affectionate service to you and the publique. My humble request to God for you is, that he will please to carry on the weighty services you have in hand for his glory, and the good of the kingdome of Jesus Christ, and the bringing to passe the worke of reformation, through so maine, so great oppositions.

So prays your most humble servant,

From my study in Mincing Lane, Feb. 27, 1642. W. Bridges.

The Preface.

The businesse of Christ Jesus kingdome, in these sad times, (yee servants of the living God) is looked upon with the squint eyed multitude, under an Hexapala of considerations.

The first is a theologicall, they would make us beleeve they desire divinely, or at least divine-like to behold it. To say nothing of bookes,[1] for they have had their answers, and some of them newly furbushed over, speake such language now, as the author knew not in the time of his delivery, of himselfe, upon that subject, or else the title page[2] says that which the booke proves not at all. I shall deliver the sense of the whole in that of Rom. 13. He that resisteth, &c. and of the evangelist, resist not evill, &c. To let goe,[3] fathers, something out of the councels, the doctrine of our owne

[1] Dr Ferne. [2] Grand Rebellion by Gr. Williams. [3] Prosper out of them. *Epis. Synod. Cui nomen libellus supplex Tom.* 1. *fol.* 803. *Conc. Ephes. Davenet. pa.* 77.—*Original Notes.*

bishops, and other things that might be said, I shall desire the reader to observe from me,

1. That the king must command not onely according to Gods, but mans laws also.

2. That if he doe not so command, the resistance is not a resistance of power, but will.

3. That to say such a resistance must be but only defensive, is non-sense, for so a man may be resisting ever, and never, resist like the silly women of whom the apostle sayes, they are ever learning, and never attaine to the truth.

The second is an historicall; they conceive and say, never such times, such taxations, such precedents, such a warre, &c. Never? Sure you erre much in point of history, the twentyeth part, fifteenth part, seventh part, as in the reign of[2] king John and others, &c. But here the willing to learne must know,

1. That if some be taken away, it is to preserve them and the rest.

And, 2. Whether they had rather part with it to the parliament, or that and their lives too, to the cavaliers?

The third is a legall consideration: Some propositions I would make to our malignants skilled in the law, which shall be these: 1. Whether I had better trust to another mans favour, or to mine owne strength for my defence? My strength is the law, against which, if the government command, it does me wrong; if I obey, I doe my selfe wrong. 2. The great offence of authority is whatsoever is committed against the security of the state. 3. [2] Heathens tell us that the wise must give as much to the law as may be, but to the lawgiver as little: for (saies he) he is a man subject to passions, may be miscarryed, &c. 4. The law is the common surety betweene the king and the subject, that is to say, it bindes me to pay the king tribute, &c. and binds the king that I shall enjoy my protection. 5. In a word, he is a good subject that lookes upward to see what, in God, Gods vicegerent commandeth; and, secondly, that lookes downeward to see whom the obedience thereunto doth either hurt or hinder. [3] Papists grant us this, that in the superior three things are concurrent, 1. The place, which is from Christ alone. 2. The person, which is from the choosers. 3. The union of these two, which is from Christ, but by the mediation of a humane act: Let Protestants then have their eies in their foreheads.

The fourth consideration is criticall. My money shall never helpe to kill men: I answer, your money is not yours, if the Lord, the law, the liberty, the cause, or the defenders thereof, stand in neede thereof, no more than the ass in the gospell, or the bread and beefe of[4] Naball, theirs, in the like case. 2. I answer, your money shall not help to kill well if you hinder the killing, quelling of those who would both kill and quell us, ours, our religion, kingdom, you become friends of Gods enemies and ours, and resolve to make peace with them, with whom God hath resolved to have warre. Exod. 17. *ult.*

The fifth consideration is a sullen melancholy one, trading's dead, our money goes, never so many payments, &c. This man is not worth the answering, I shall onely desire him to learne, if he be learnable, what Job sayes, Job 2. 10. Shall we receive good at the hands of God, and not evil also? The gospel hath beene a peaceable, plentifull gospel, and then you loved it, ran after it, but now it is otherwise, you are otherwise affected. To you I shall commend that, John 6. 26. You follow me for the loaves, &c.

The sixth is a meere foolish consideration (if it may be so tearmed) or rather (for fooles also will be talking) a meere prating, a meere nothing, and nonsensical thought about the present things in the kingdome. Within the verge of this I shall include the indiscreete running before authority, in things where the command and countermand are not alike. This I shall desire to be proposed within these two propositions.

[2] *See Chron. K. John, Ed. 2. &c.* [2] *Arist.* [3] *Bellarm.* [4] Matth. xxi. 3. 1 Sam. xxv. 1.

Original Notes.

First, Manners to stay the states leisure : but,
Secondly, Is it any offence to doe their worke for them ?

Good meaning may be grounded on errors, but the bad must be shadowed with colours; I shall commend to my countrymen, whose salvation (if I knowe mine owne heart) I earnestly desire, these following notes, with some other; these by command, the other by permission, set forth to light. I have spoken herein to Christians, like such a one (as be said in another case.)[1] None can be so ignorant, as they are plaine to a man desirous to learne. For the phrase it is such as I can speake, and I desire to be thankful it is no worse, considering my desarts. Here is not all that might be said, but what I could[a] say; which, if it may serve the church, the publique, the Lord Jesus and thee, good Christian, he hath his end who desires thine earnest prayers for

The poorest of all servants of Jesus Christ,

W. Bridges.

A Sermon preached at a Fast, before the Honourable House of Commons.—Joab's Counsel, and King David's seasonable hearing it.

2 Sam. xix. 5, 6, 7, 8.—Then Joab came into the house to the king, and said, Thou hast shamed this day the faces of all thy servants, which this day have saved thy life, and the lives of thy sonnes, and of thy daughters, and the lives of thy wives, and the lives of thy concubines, &c.

Coherence need not, it will be easily gathered by the reading of the history, to which I shall referre it. I shall therefore now only commend to the consideration of this honourable assembly these observations out of the text and context following, *viz.*

1. A sad and civill warre in the bowels of a kingdome.
2. Betweene the king and his, and his son and his party.
3. A battel given, not without bloudshed on both sides.
4. A victory ordered by the Lord of Hoasts on the king's side.
5. The sad entertainment this news of victory had at court, and even amongst the conquerors themselves.
6. A peremptory and positive inference of Joab concerning the same, *viz. Thou hast shamed this day the faces of all thy servants*, ver. 5.

Which inference containes,

1. An objurgation or reproofe in those wordes, *Thou hast shamed, &c.*
2. A demonstration of the truth thereof, *Thou lovest thine enemies, &c.*
3. A reason given of this demonstration, *Thou regardest neither, &c.*
4. A request urged to his majesty, *Now therefore up, come out, &c.*
5. A danger discovered, if not granted, *For I sweare, &c.*

7th. The event and issue of this sad businesse, which is,

1. On the king's part, he is perswaded, and comes out, and sits in the gate, so ver. 8. *Then the king arose, &c.*
2. On the peoples part, they are contented, and with this glad tidings of the king's approach, come before him, strive to serve him, &c. So ver. 8, 9, 10, 11, &c.

In the handling of this long text and history to you, honourable and well-beloved, for brevities sake, this shall be mine order.

The two first parts, viz. 1. a sad warre, 2. and betwixt such parties, shall yeeld us this point of doctrine.

[1] *Testor Jesum, &c. quasi Christianum de Christiano vera proferre. Hier. Ep. Paulæ.*
Qui non valuit omnia non pœnitenda dixisse, pœniteat quæ cognovit dicenda, non fecisse. Aug. in censura, lib. Lactan. in fine.—Original Notes.

Doctrine 1. That to see a sad and civill warre, in a time and land of peace, betweene such parties as the king and his subjects, is a very deplorable and dolefull spectacle. Jer. 25. 29. See the Lords description of a warre, sad words, more sad workes, if God be provoked to doe them.

Joab's sinne is thus set downe, 1 Kings 2. 5.[1] he shed the blood of warre in peace: the bloud of battell to be shed at any time, is a sad and sorrowful thing; but in the time, in the land of peace, is a double griefe. Every battell of the warriour is with confused noyse, and with garments rolled in bloud, Esa. 9. 5. sad spectacles, sorrowful cries; see the prophet. The shield of the mighty is made red, the valiant men are in scarlet, &c. A multitude is slaine, and the dead bodies are many, there is no end of the corps, they stumble upon the dead carcases, Nahum 2. 3, and cap. 3. 3. the sighing prisoners, Psalm 79. 11. mourning captives, Psalm 137. are all within this dolefull spectacle of warre, what warre soever it be; but such a warre as is in our text, yea in our times, it hath these considerations in it.[2] 1. It is a civill warre. 2. A destructive. 3. An unnaturall warre, and these evill properties belong to none but such a warre.

But why so sad a spectacle?

Reas. 1. Such a warre is a fearfull cause.

Doe you make it a case of conscience you that fight? then hear a[3] rule: The ingagement in a warre (especially on the offensive part) where the quarrell is either unjust or unkowne, makes both the actor and helper guilty of bloodshed.

Doe you make it no case of conscience, but for pay, hatred of goodnesse, emulation, particular revenge, &c. hand over head and blindfold undertake it?[4] Then heare one that spoke by experience. Warre amongst us (saith he) is begunne, not so much upon any cause, as for the wagges the undertakers should receive. 2. When once begunne, no man knew when it would end. 3. Covetousnesse yeeled a cause of cruelty; rather then not rob, they will kill, &c. 4. The manner of offence was judged by the measure of coyne. 5. For if any one were rich, that was enough to render him guilty. 6. And no thing or action accounted bad if gainfull. So then in this looking-glasse of ours we see a bad cause working two bad effects.

1. Are we scient, knowing? read 2 Sam. 2. 14. or Gen. 27. 40.

Reas. 2. Are we ignorant? then read 2 Sam. 15. 11.

Such a warre hath fearfull effects. God and man will tell you this truth both of them. 1. God; see the scriptures before, and adde to them one more, Jer. 6. 22. they come from the north, that is their place, vers. 23. tels you their preparation and qualities, their mercy as little as their power great, vers. 24. shews us the peoples caution; how are they prepared? very poorely, vers. 25, 26. sets downe the prophets counsell, a sad businesse.

Πόλεμος, the Greeke worde for warre, signifies much bloud. *Bellum a belluis.* Tamberlaine's coach-horses were conquer'd kings, Adonibezek's dogs, 70. kings gathering crums, &c. When the Switzers, *anno* 1443[5] vanquished the Thuricenses in battel, they banquetted in the place where they wonne the victory, using the dead bodies of their adversaries instead of stooles and tables.

The Numantines[6] assaulted by the Romans, made solemn vowes amongst themselves, no day to breake their fast but with the flesh of a Roman, nor to drinke before they had tasted the bloud of an enemy. Scipio[7] tooke their towne at last, and the storie tels the sad issue. Or if these will not serve, you may remember the cruelties betweene the Spaniard and the Hollander in our owne eyes.

If of civill warres, you would see the effects either in the chronicles of others, or our

[1] *Omega nostrorum mors est, Mars alpha malorum. Epigr.* [2] 3. Properties of a civill war.—*Omnibus hostes Reddite nos populis, civile avertite bellum.* [3] The souldiers rule, an ill trade to kill men for money. [4] *Paterculus de Roman. discordia.* [5] Jud 1. 17. *Lanquet Chron.* p. 261. [6] *Guevara Epist.* [7] See *Plutar.* killed all the old women and children, and set fire of all their riches in the market-place.—*Original Notes.*

owne, you may receive satisfaction; the *Brutum fulmen*, p. 144. tels us, that in the late civill warres of France there were slaine 120000 natives, besides others of their allies. See our owne William the Conqueror, and successively Yorke and Lancaster, saith my author, [1] in that unhappy quarrell devoured no lesse than eighty princes of the bloud royall, besides an infinite number of commonalty: these are sad effects, and yet it might be drawne lower yet, but I forbeare.

Reas. 3. Such a warre hath dolefull by-standers.

Such are either friends or enemies, good or bad.

1. The churches friends, as Jeremy in his alphabetical Lamentations, sends forth sad expressions of sorrow, for it grieves them to see her in the dust; these yeeld bindings [2] up to the sores; they take words [3] and goe to God, pleading with him as if they meant to silence him, yea make him blush and shame him; these, like the Jewes in their feasts, breake their glasses as Jerusalem was broken, and sowe [4] seede in the long furrowes which the ploughers made upon our back.

2. But are they bad and our enemies? now they rejoyce and cry downe with her, even unto the ground, Psal. 137. 7. Now they consult, Exod. 1. 10. Come let us walke and worke wisely; now they conspire, Geball and Ammon, and Amalek, the Philistines, and them of Tyre, how they may take the house and the cause, yea, and kingdome of God too into their possession.

Use 1. Well then, if warre be such a cause of misery, what is the cause of warre?

Reas. 1. You must looke upwards, and God says he is the cause; so Ezek. 14. 17, If I bring a sword, &c. it is *malum pœnæ*, therefore not brought amongst us, unlesse he doe it, Amos 3. 6. and Esay 45. 7. Warre is amongst the treasury of Gods judgements, in the magazine of his instruments of vengeance. The church feeles, Lam. 1. 12, 13, 14, &c. And where it is not so perceived, they may feele the smarting of the wound, but (believe it) hardly runne right to the cure. [5] See an instance for this, Hosea 5. 13, 14. Oh that England might never forget that, 2 Sam. 24. 1. The wrath of the Lord kindled against Israel, and he moved David, &c.

How shall we be perswaded? Oh, I thinke it impossible, impossible I say, though not in itselfe, yet at least by accident, for we knocke at deafe mens doores, our people are deceived, and God hath said, Let them alone. Hearing they shal heare, and not understand, &c. Esa. 6. 9, 10.

First, Hypocrisie hath overcome us. We are like those, Micah 6. 6, 7, 8, 9, 10. like them in the question we would seem to aske, not like them in the answer, for we cannot beare the rod, nor who hath appointed it, and indeed it is because the treasures of wickednesse are in the house of the wicked, no power, no will to be reformed. Alas, the sinne and punishment are nationall, so must the amendment be. It was the old rule, [6] if the private man (in case of publique sinne) desire pardon, let him aske it with his owne, yea, and the tears of the whole church also.

Secondly, Deceit hath overcome us, 2 Thess. 2. 10. God hath given them up to beleeve a lye; the note upon that text is, [7] that being infatuate they shall be seduced, and being seduced they shall be punished: There is the fearfull malignant, the wilfull malignant, the ignorant malignant; and every one of these covers himselfe under falsehood, making a lye his refuge, Esay 28. 15. The sanctuary these men have in these sad times, is like the covering under Jonah's gourd, or Adam's figge-leaves; Oh, that they could know that, first, under God there is no hiding place, for in the time of trouble

[1] *Cominæus, Hist. lib.* 1. *c.* 7. [2] Τραύματα γενάτων, Nazi. Hosea xiv. 2. [3] Δυσωπεῖν θεον Basil. [4] Τὰς σιμφοὰς γεωργεῖν Nazian. [5] The people sin, and God makes the sinne of the king, the sinne of the peoples punishment. [6] *Si veniam reus speret, petat cum lachrymis, petat fletibus totius Ecclesiæ*, Amb. de pœniten. l. 1. c. 16. [7] *Infatuati seducentur, seducti judicabuntur*, Aug.— *Original Notes.*

he, &c. Psal. 27. 5. Secondly, That upon God who casts himselfe, [1] no force, no fraud can reach him.

Thirdly, Schisme and division hath overcome us, Manasses against Ephraim, and Ephraim against Manasses; but what shall I say? so it hath beene, will be, must be, Christ foretold it, and we have found it true which is said, Matth. 10. 34, 35.

But what is this schisme? Ile give three rules in answer:

First, [2] When things are thrust upon the conscience, which are not doubtfully, but directly against the word of God, schisme in this case is not active but passive, a due separation from the errour, not the body, for to that we are united by the spirit and love, so farre forth as it is united to the truth of Jesus Christ the head thereof.

[3] Apply this rule to the present state of our times, and then tell me what is schisme, or what rebellion?

Secondly, Schisme or division likewise is cadent.

First, Upon bad men, in whom it is either,

1. Through too much faith; or,
2. Through too little charity.

Secondly, Upon good men, in whom it is either,

1. Through errour of judgement.
2. Or scruple of conscience.

Apply this also, and you shall finde the rash and heady malignant, so to be divided: First, he beleeves all, every promise, every protestation. And, secondly, (which is worse) he would cut the throat of him that will not so doe too.

The ignorant and better malignant he is divided otherwise, he hath a little [4] conscience, and that scruples almost the very word king or parliament; he hath lesse judgement, and that is the reason his conscience is no better informed.

3. Rule is for the judges of what is trouble, schisme, division, rebellion, &c. where you have,

1. The greater part: these say, [5] Elias troubles Israel, 1 Kings 18. 18. and the apostles, the world.
2. The better part, and they can tell you that this must be retorted not of the same text.

We have all this while looked upwards to finde out a cause of warre amongst us. Now downewards, and there we shall finde our sinne the cause of this so sad an effect; and there we will put a parallel betweene [6] Davids time and ours in point of sorrow-bringing sinnes, thus,

1. Davids indulgence: Is Absolom such a man? a proper man, a goodly head of haire, but not a dram of grace, no [7] inward beauty at all, and yet the king cannot pull his heart from him, although in the danger of the losse of a kingdome.

2. This Absolom hath a party, and that in Israel too, that will venture their lives in such a desperate ungodly quarrell: Oh the wickednesse of this world! No cause so ill, or person so untoward, that is or shall be without adherents as wickedly desperate as the undertaker can be in a case of mischiefe.

3. And these [8] counsellers, cursers, colloguers, what not? We may see the old complaint too truly verified, My kingdom is not of this world, &c. John 18. 36. All them

[1] *Nulla vis, nulla fraus, nullæ jam illecebræ poterunt vel stantem dejicere vel subjicere dominantem*, Bern.
[2] *Quando doctrinæ seu præcepta in conscientias hominum obtendentur, quæ non dubitative, sed directe contra verbum Dei, aut legem humanam, &c.* [3] *Schisma, 1 activum, 2 passivum.* [4] *Non est conscientia quæ obligat sed lex illa quam intellectui conscientia præsentat: et revera conscientia semper præsumeret scientiam.*
[5] *Judicium 1. Majoris, 2. Melioris partisi.* [6] *Nihil in pœna quod non prius erat in peccato.* [7] Psal. 45. 13, 14.
[8] *Ahitophel, Shimei, Ziba.* A counsellour, a curser; a party good enough for so bad an undertaking. *Concilium deforme vocat, glomerantur in eum innumeræ pestes Erebi. Quest.—Original Notes.*

that doe the devills businesse shew their faithfulnesse, (if it may be so called) the Lord Jesus hardly findes one to trust; this I am sure is a very sad spectacle, to see a good cause to have so few, a bad so many friends.

But let us aske one question.

What marks or signes may be given for the discovery of and discerning betweene the good and bad cause, side, or party, in such a sad spectacle of confusion?

1. The mercy. [1] The best side is ever the mercifull side, more sparing, lesse cruell, ready to say with him, 2 Sam. 2. 26. Shall the sword devoure for ever? ready to doe like him, 2 Kings 6. 22. Thou hast taken them, but smite them not, set meate and drink before them, that they may refresh themselves and go to their master; mark this, and where you find it, honour that side, in times of sadnesse and combustion, the worst religion is ever most cruell; bastardly professions are ever full of bloud.[2]

2. Quarrell. The best quarrel is mixt, not personall; so God be not dishonoured, sinne maintained, they are ever as conscientious in laying downe, as couragious in taking up arms; with such men sinne is a greater evill then warre, and no shame like that, not to defend Gods cause. See Joshua 22. 12, 13, &c.

3. Clemency. Doth God give them victory? other men shall feele their clemency, they shall cause their enemies praise God they have, and pray him they may fall into such hands. 2 Sam. 19. 23. David's Cavalliers are under command.[3]

If God will please to continue us yet under this sad condition, as I am afraid he will, these few rules I desire to present the people in a desolation publike. 1. The law [4] of warfare is, (especially in a good cause) doe not follow, doe not flie an onset. 2. Every spirituall warre consists in a conflict between the reason and the will: does ours so? surely it doth.

1. It is reason the militia be in safe hands.
2. Reason the parliament punish grosse offenders.
3. Reason men should part with some to defend all.
4. Religion, [5] things be taken out of the church that doe offend.

3. Allegory. God is a warrior, and continually fighteth against the sinner, his enemy; how does he defend? Oh he is got into a walled towne called obstinacy, the ditch about it is a great depth of sin, the turrets of those wals are pride, and height of spirit; but what are his weapons? resistance of the Holy Ghost, and a wilfull extinguishing the light of his owne conscience; his captaine, blindnesse, and his souldiers in this warre, inordinate affections; his counsellour is folly, and his conquest hardnesse of heart, with the forsaking of God and security. Apply this to our present condition, and you shall find it to be Englands looking-glasse.

The two next points, viz. the battle and the victory yeeld us this:

[1] "Solution. Markes to know the best side in a time of warre."

[2] Even Clarendon allows, that in the progress of the war, the soldiers of the parliament acquired much better discipline than those of the royal army.

[3] The following recent circumstances may perhaps be alluded to:—"A few days after, Prince Rupert, with 4000 horse and foot, marcheth by it to Cirencester, where the magazine of the country lay; this he took, putting the Earl of Stamford's regiment and many others to the sword: took 1100 prisoners, and 3000 arms.

"These prisoners were led in much triumph to Oxford, where the king and lords looked on them, and too many smiled at their misery, being tied together with cords, almost naked, beaten, and driven along like dogs.

"Among them was a proper handsome man of a very white skin, where it could be seen for the blood of his wounds; he not being able to goe, was set naked upon the bare back of an horse, his wounds gaping, and his body smeared with blood; yet he sat upright upon the horse, with an undaunted countenance, and when near the king, an old woman cried out to him, 'Ah, you traiterly rogue, you are well enough served;' he with a scornful look towards her, answered, 'You base whore,' and instantly dropped off dead from his horse.

"And the beginning of such cruelty, by Englishmen towards their countrymen, was afterwards too, too much followed."—WHITLOCK's *Memorials*, p. 64.

[4] "*Jus legionis facile est.* 1. *Non sequi;* 2. *Non fugere bellum, Veget. lib.* 2. *cap,* 16." [5] Matth. xiii. 41.

Doct. 2. 'That Christians ought in times of sadness to contemplate the actions of warre which are severally performed, viz. on mans part the former, for they can fight; but on the part of God the latter, he ordereth the victory.

Reas. 1. God orders hereby our sight of things, so 2 Kings 6. 16, 17. we see but halfe, if we see man onely: we see him taunting, vaunting, boasting, threatning, he will doe this, and bring to passe that, but wee see God determining, Esa. 37. 33. He shall not enter into this city, nor, &c.

Reas. 2. God would hereby guide our affections, griefe, feare, joy, &c. If a man see nothing but man, he sees nothing but fear. They enquire in Flanders, they aske at sea, are not all the round-heads kild yet? Cloisters, and the whole rabble of the Romanists, all contribute heads, hearts, hands, purses, and all to this warre; yea Antichrist, *tua res agitur?* is thy work a doing? but turne me out one of thy companions that can give the victory; no, that is out of all your reaches, see 1 Sam. 14. 20. It is God that giveth victory unto kings, Psal. 144. 10.

Reas. 3 God hereby orders his owne acknowledgements. No sacrificing to our nets, God will have the glory; Exod. 15. and Jud. 5. are monumentall chapters for such a purpose.

Use 1. The Christians contemplation; here is matter for the most excellent understanding whatsoever, and as Paul said to Timothy, Ep. 2. c. 2. v 8. Remember that Jesus Christ, &c. so say I, let all be remembred, but especially fundamentall truths; there is a counsell well given, Act. 5. 39. yea, and well taken too, for vers. 40. to him they all consented; in what? in this maine thing, that if it be of God there is no resistance, lest happily we be found fighters against God.

To his majesty. If I had such a proffer from the king as sometimes Salomon had from a greater then he, 1 Kings 3. 5. Aske what I shall give thee, I would first desire the contemplation of my deare soveraigne fixed on this point; we will not remember misled Ahab. 1 Reg. 22. for feare the parallel should not be good enough; but we will thinke of good Josia, one of the best kings, 2 Chron. 35. 21, 22. Leave off to come against God which is with me, lest he destroy thee; but Josia hearkened not to the words of Necho, which were of the mouth of God. Next, yee patriots of our[2] countrey, I shall desire your remembrance of this point, that you may be called, (as heretofore, in such times, and upon such occasions as now) be called, I say, the parliament working wonders. Of[3] you, yee citizens and countey-men, I desire the reading of Jud. 5. 6. the high wayes were (I say will be) unoccupied, but observe, vers. 8. they chose new gods, new devils rather, and then was warre in the gates.

Use 2. The Christians consolation, *nec temerè, nec timidè*, men and Christians too, both or neither. Hezekiah's method (me thinkes) is excellent, Esa. 36. 21. with 37. 1. Say[4] nothing to that blasphemer. but (if they should say) sirra, we will complaine of you to one that shall take you to taske; an excellent course, be you carefull in nothing, (that is, unbeleevingly, distrustfully so) but make your request to him who gives the victory, guides the bullets, orders the battell, appoints the successe, Psal. 115. 3. is in heaven, *i. e.* on high, and therefore, 1. sees, 2. and doth whatsoever he will, 3. and he is our God; of our persons? yes: if not so, of our cause he is the God sure.

[2] "Things in warre to be seen." [3] "The parliament." [4] "The kingdome."
[4] "When the blasphemer brags tell God of him."—*Original notes.*

Directions.

1. The old[1] rule; the divident of a victory was betweene the commander, the souldier, and fortune; the last should be first; I am afraid the last hath too little for his part.

2. *Quid est victoria?* It is said of old, it is[2] no shame to be overcome of him, whom to overcome were a shame; nor is it uncomely to be under him, whom God hath set over all. This is for the king indeed, indeed I intend it so; and it is for the parliament too, all good kings and Christians should intend it so. The chronicle saith of King Edw. 2.[3] that he was never so overthrowne, as when he had overthrown so many brave and wise souldiers; no such victory against the king, as for him to have victory against the parliament.

3. There were in Rome certaine lawes for their triumphs, that first the conqueror should have got five victories; allegorically, to have overcome his five senses, that is, himselfe. Oh such a victory on any side were worth a triumph! and surely that side is nearest the deserving of it that seeke not their owne ends or glory, but his that sent them.

The fifth part, that is, the entertainment and sad welcome of the newes of a victory, gives us this doctrine.

Doctr. 3. That a victory, even to them that most desire it, may peradventure turne to be a thing sorrowfull enough, vers. 2. the mirth into mourning, the joy into griefe enough.

Reason 1. Is drawne from the things which must or may be before a victory; I shall only quote the instance, Jud. 20. 21. 25 35. with 21. 3. 6. see here a victory full of bloud before, and water, that is, teares afterwards;[4] Oh these wonderfull punishments, just, yet secret, secret yet just, so his judgements, as that they are also our sinnes, God deliver us from them.

Reas. 2. From the things which are after the victory. In heate of blood men doe any thing, but after, if conscience beginne to speake, Oh then such things as these[5] will be thought on: First, the number of Christians; Secondly, the manner of their death; Thirdly, the feare of damnation; Fourthly, the illnesse of the quarrell; Fifthly, my ingagement to defend it; Sixthly, *oblationes pacis*, prayers for peace; Seventhly, cause of refusall thereof, as dissimulation, &c.

Use 1. Information of the danger; *hoc dulce inexpertis est;* we must be knowing men in our dangers. May I have leave to destribute them?

Dangers in War. 1. Danger of not parting with money, so in the wars at Constantinople.

2. Danger of sedition, so in Jerusalem, in London.[6]

3. Danger of emulation, so in our gentry and army.

[1] Plutarch *in vita Thrasibuli.*

[2] *Non esse turpe ab eo vinci, quem vincere esset nefas; neque ei inhoneste aliquem submitti, quem fortuna super omnes extulisset Dictum Armenii Pompeio.*

[3] *Tunc vere victus quando tot vicit prudentes, milites.* Walsingham, Ed. pag. 95. *Ut superaret victor prius* 5000. *hostium istius Reip. aut* 5 *victorias obtineret; vide Isid Tranquil.*

[4] *Pœnæ mirabiles. Cajetan.* [5] *Secundæ cogitationes.—Original notes.*

[6] Though the majority of the citizens were for the parliament, the king had a strong party among them, which was proved by the numbers afterwards engaged in the undertaking of Tomkins and Chaloner.

4. Danger of mercenaries, so at Brainford,[1] and every where.
5. Danger of sinne, the danger of all dangers.

Object. Best to leave all?

Sol. That were the basest of basenesses ;[2] now there is a danger fitting the minde of Alexander. There is necessity (says he[3]) of sayling, no necessity of living. So say I, a necessity to fight, none to live, in servitude especially, Ephes. 6. 10. It is Gods method to teach so, his peoples to learne so.

Prepare, therefore, shall we ? Oh by all means possible, spiritually especially, a Moses with an Aaron, and Hur to your Joshua, mountaine men, and valley men, Exod. 17.

Use 2. Your doubt is the next use, and that thus, now every man can easily tell how he stands affected; but afterwards, if our Absolom be killed, what then ? how then will you be affected in such a case? will you not love religion the worse all your life time ? Numaes temple of old had this inscription, [4] "The temple of faith and peace." Faith first, and secondly peace: Christian, keepe those two in that order in thy soule, and take with thee these three guidances.

Understanding. First, see the worlds order, Numb. 16. 41. they will have liberty to say, ye have killed, but we must not say, ye have set your selves against God, and therefore we are against you, and yet this is very true ; if the effect be ours, the cause is yours, that's certaine.

Prayer. Secondly, pray that that piece of the psalme may be fulfilled, "Be wise now therefore, O ye kings." Much, much must be in kings, Solomon the sonne shewed such a master-peece, 1 Reg. 3. 28. All Israel admired it, and feared him ; so David the father here, the danger of losing his people, is turned into the delight in gaining them ; so King James the father shewed a master-piece of skill in that danger;[5] and pray we that God will guide our royal soveraigne his sonne, that he will kisse the Sonne of God, lest he be angry, and so he and wee too perish from the right way.

Boldnesse. Thirdly, pray wee that boldnesse may be given to Joab, Micaiah, Jeremy, &c. they may suffer much ill, but nothing to the good they shall doe: I shall present them with the apostles reckoning, Rom. 8. 18. And if we reckon otherwise we reckon wrong.

The sixt part, viz. Joabs inference, followes, and presents us with this.

Doctr. 4. That in sad times, and times of imminent danger, the greatest of men ought to suffer themselves to be very plainely dealt withall.

Kings have at such times given leave, and priests and prophets taken leave, so to deale with the greatest of men ; Jerem. 38. 20. But Jeremy said, they shall not deliver thee, hearken unto the word of the Lord, &c. So 2 Chron. 15. 2. Eliah with Ahab, 1 Kings 18. 10. Nathan with David, 2 Sam. 12. Flattery is odious at all times, but at such times it is both odious and dangerous : and if ever the Lord take away from the godly, their abilities, or liberties of admonition, prayer, preaching, reproofe, &c. it is a dangerous presage of ruine, or some great judgement, Jerem. 7. 16.

Reason 1. So then, we should take and have given us in times of danger, more boldnesse, for sad times worke much upon sympathizing hearts, especially such as know themselves deputed to be serviceable for such reasons See the spirit of the apostles how it is raised: we cannot but speake, Act. 4. 20. and Act. 20. 24. My life is not

[1] When the king's army advanced near London, in November 1642, they took Brentford by storm. It was defended by Holler's regiment, who behaved well, yet some suspicion of their fidelity seems implied in the text.

[2] "*Nunc periculum per animo Alexandri.*" [3] "*Pompeius.* See Plutar. *in vita ejus.*"

[4] Πίστεως καὶ εἰρήνης ἱερὸν, [5] "Gun-powder Treason."

deare, so I may carry on the service a little: what need men venture their necks, their lives, to defend the cause? Oh their conscience and the commandment of God, Gods spirit, the churches ruine, all concurre and become mightily, yea irresistibly operative for the publique.

Reason 2. God gives another spirit, as to Caleb, Numb 14. 24.

Gives warnings, as to [1] Hierusalem, fils the aire with sights and comets. As the cockes crow loud and thicke before a storme, so these before a judgement.

This begges excuse for us, others, all well-affected sympathizing ones in time of sadnesse.

Not so much manners, discretion.

For, believe it, honorable and well-beloved in Jesus Christ, they cannot help it sometimes.

Note. And marke the instance, Amos 7. 13. prophesie no more at court; No? See ver. 16, 17. He that says so, and dares to silence the Lord of Hoasts, his wife shall be a whore in the city, and his children shall fall by the sword, &c. v. 17.

But let us see the parts of the kings chiding:

First, his blame is plainely laid downe: David was a very happy king here, in the plaine dealing of Joab, elsewhere in Nathan.

Kings are not more unhappy in any thing, then this, their flatterers and falsifyers with their entertainment, reward hearing.

But it is true that Joab charges the king withal?

The Lord forbid that any thing but truth should be charged upon the Lords anointed. Then for answer,

1. Simply and by itself, David really hated to shame them that preserve him and his.

2. But it is by accident thus: as if Joab had said, Sir, I perceive there are in your heart two things, in great competition, striving for preheminence, your Absolom first, [2] and then your people. Now, because he hath gotten so much of your heart, therefore we get so little. And thus Joabs charge is true laid to the king; and thus may the subjects charge against the king be true, if lying under the like cause of complaint.

But the second part is Joabs demonstration. In that thou lovest thine enemies, and hatest thy friends: Is this true? Yes, with this qualification;

1. Negatively, I doe not say alwayes you doe so, but in this particular.

2. Not in all particulars neither, but in particulars of [3] competition, q. d. Joab; Sir your Absolom and your Adonijah, you may love them wel, but not better then your own peace, your owne people. If the queene of your bosome stand in competition with your kingdome, your people, you must not love her better than us, than it: *Sapientia optime cernitur in comparatis.* I conclude this with a history I have read: the emperour [4] was charged with defect and want of care in government, by his nobles and princes moved thereto (as they alledged) by the too much love of a lady his concubine: whom in a great assembly the emperour shewed to all his people on a time, and they concluded, that, in regard of her excellent beauty, they could not blame him for being misled by her, and so were contented. But (saith he) that you may know how little I regard her in comparison of you, he drew his cemyter, and kild her before them all. If our religion had stood in competition with any thing but popery, our parliament

[1] "The river of Jordan turned out of its course to Pella, a yeare together; a comet like a flaming sword over Jerusalem. At sacrifice a calfe brought forth a lambe. See Eusebius and others."—*Original note.*

[2] Here, as the preacher afterwards more plainly intimates, a parallel is drawn between David's mordinate affection for Absolom and Charles's attachment to his queen.

[3] "No misery greater to us in this sad time then this, religion is in competition with barbarisme, purity with popery; the latter hath store of carnall men for it, for they love it, the former seene and loved of few, and therefore of few imbraced."

[4] "Turk. hitory."—*Original note.*

with any thing but the gentry and delinquents, they had never been so neare a miscarriage.

But the third part is Joabs humble request: Now therefore, &c. It is in a triplicity.

First, *Surge*, you are falne, sir, very low, a king of others and not of yourselfe, how shall you rule their passions that cannot guide your owne?

Secondly *Egredere*, you are in prison, the worst of prisons, *Mens captiva manet*, a bird may be kept so long in the cage, that at length she will not out though the doore be open.

Thirdly, *Loquere super cor*, speak comfort, we have heard sorrow enough, we desire now comfort, and it is only to be had in you, and with a word, a comfortable aspect upon your people, you may give it them.[1]

And the fourth part is Davids great danger, if this be not done, viz. the peoples desertion.

But who shall apply this? Who may? Who dare?

First, Let it be applyed to our David, and tell him, ye pillars of the people, first: then bring it swiftly to him some of you also, ye charets and horsemen of Israel, that there are but two[2] governments. First, as the soule governs the body. Secondly, as the reason, the appetite. Our kings government is not like the first, he cannot enliven us as the soule doth the body: then let it be like the second, as the reason doth the appetite; how is that? by commanding reasonable things.

Secondly, And take heed you speake our sense. We doe not,[3] we dare not thinke his sacred majesty doth intentionally hate his friends, and love his foes, but that something is unhappily got in competition with us, which yet God hath not discovered to him.

Thirdly, And let this be done dutifully, humbly, in a subjects posture, and as to a David indeed.

Fourthly, And yet so boldly that you propound the danger, with this direction also, which is none of mine, *Scopus notsræ professionis est ut, &c.* The scope of our profession is, that we be obedient to all superiours, so long as this obedience brings no detriment to the soule: but if it come to this, we must dare to use our owne liberty. *Epist. Synod. cui nomen Libellus supplex. et vide Tom.* 1. *Fol.* 803. *Conc. Ephes.*

The seventh part, the event on the kings part, he comes to the place of judicatory; on the peoples part, they come to the place of auditory.

Doctr. 5. The retractions of publique persons, as kings, &c. are exceeding attractive, like the great wheele in the watch: instan. 2. King. 22. 12.

Reason 1. There is a concurrence, and commoving in, and with such actions; before goeth Davids action, after comes the peoples affection, a heavenly order; so dealeth God with his people, as you may see, Psal. 116. 1. 8, 9, 10, 11, 12, 19. and 2. Chron. 15. 8. 12. 16. The king shewes himselfe zealous of their good, the people shew themselves as zealous of his glory, he crownes their desires, they his temples.

Reason. 2. There is a seasonabelnesse, in this retraction of David, which is observable, before the mischiefe grow too bigge, before the devill tempt, before the heart be hardned, before the approach of flattery, or evill counsell, the good God suggesteth, and the good David obeyeth, to returne to his people that they may return to him, &c.

Use 1. Pray for audience in this particular, this day of God, and of the king.

In relation to us they are Gods (our governors I meane) but in relation to God, they are but men.

[1] This alludes to the commissioners dispatched by the parliament to the king to adjust the terms of peace. These were the earls of Northumberland, Pembroke, Salisbury, and Holland, lords Weenman and Dungarnon Pierpoint, Whitelocke, Waller, and Winwood. From this passage it appears, that the deputies had not yet commenced their journey.

[2] "Two kinds of government."—*Original note*

"The mother of Artaxerxes had wont to say, that they that would address themselves to princes must use ῥήμασι βυσσίνοις, silken words.—*Plut. Apophtheg.*"—*Original note.*

First, Present good, viz. that of retractation in things amisse, that they owe to us.

Secondly, The future good, that of submission and obedience, that we owe to them. With them both, and with all those things which make to the best and blest establishment of peace and truth amongst us, the Lord of Heaven be intreated to blesse both the king and people in this much distracted kingdome, for his deare sons sake, Amen.

The Discovery of the wonderfull Preservation of his Excellency Sir Thomas Fairfax, the Army, the Records of the Town, the Library, and blessed Bible, under the Hands of the Maior, Aldermen, Captain, and Schoolmaster of Torrington, in Devon: In an Epistle to his Excellency, (and in the End of a Book, entituled, Man's Badnesse, and God's Goodnesse; or, some Gospel Truths laid out, vindicated, and explained) by his Excellencies speciall Command. Never printed heretofore by any. By John Heydon, Minister of the Gospel.

London: Printed by M. Simmons. 1647.

This is another curious specimen of that clerical eloquence, which had power enough to divide a whole people among themselves.

To his Excellency Sir Thomas Fairfax, Commander in Chief over all the Forces in England and Wales under Pay and Constable of the Tower of London, &c.

Christian Generall,

When I seriously considered how the angel of God's presence (a) hath preserved your excellencie, as in a casquenet of gold, unto this day, and the army, in Torrington, in Devon, from so great and eminent dangers, and the preservation in that town, of the blessed bible, library, and the town records, so wonderfully; and yet none, to my knowledge, hath put it to the presse, that so Christians might magnifie the author of that so great deliverance; and, that Antichristians might stare on't, and be astonish't at it to their conversion or further condemnation; I have made bold to crave leave to put this ensuing testimony of God's providence to the view of the world: And, knowing that devils and devilified men would be glad to have any thing against him, that layes his lips in the dust for's ingratitude, and is weary of himself, and sees the vanity of all that is on this side Jesus Christ; and though he is not over much taken with the favour of good men, nor cast down with the indignities, inhumanities, and barbarous dealings of wicked men; yet, to stop the mouthes of calumniators, slanderers, and such as would cast false aspersions upon the truth, yea, to our face, malice itself, I have (*verbatim*) set down the testimony of the Maior of Torrington, in Devon, &c. as followeth.

We whose names are here subscribed do testifie, that when the publick place of God's worship was blown up by a hellish plot, and his excellency was wonderfully preserved, there fell out, by Divine Providence, that which we look upon as *mira non mirabilia*, viz. though both the books of common prayer were blown up or burnt, yet the blessed bible was preserved and not obliterated, although it were blown away; and also, the library, and the books, together with the records of the town, were wonderfully preserved. I do testifie, John Voysey, maior. We also testifie, Richard Gay, William White, captain, John Ward, Henry Semor, schoolmaster, and John Heydon, minister of the gospel. And I shall be ready to show the originall to whomsoever desires it; and craves condigne punishment, if the originall be adulterated.

And looking on the dispensations of God, what qualifications are given forth, viz' of salvivicall faith, that produceth heroique magnanimitie, invincibile courage, and undaunted resolutions, to put in execution the most difficult work that ever was wrought in England, and accomplished in so short a time. Truly 'tis Christianity that produceth magnanimity, and makes men as bold as lions. (b) But that God, who is the eye in the wheel (should so wheel it about) that so great a conquest should be got, with the effusion of so little blood! who put this into your excellencies princelike heart? did not that great God, who hath carried yee on in the chariots of love, or coaches of pleasure, (c) to this day! who fits gifts, and qualifies those (whom he intends for such honourable imployments, as to be the temporall, reall, yet instrumentall saviours of kingdoms) with transcendent virtues, and disperseth them in other countreys, as it were, in this scholl to train them up for the good of all. Oh! the exact wisdom of God! that ordereth all things aright, better then we could desire, yea for the best (d.) Was not Moses the generall of the Ægyptian forces that conquered Æthiopia, (if history be true) 40 yeers in Madian, before he came to deliver his nation? Did not David wander upon the mountains, and remain among the Philistines seven years before he came to be fully the Lord's champion, to deliver his people? and seven yeers after he setled the kingdom with such difficulty, are works of this nature perfected. Glorious Luther lay three yeers, and Paul three dayes, (e) before the glorious light of God's countenance brake forth to themselves, and from them to others.

And hath not God caused the light of his countenance to shine forth upon this nation, by the rayes of his love, in the great deliverance wrought by your excellency and the despicable army destinated to destruction, in the bloody decrees of the kingdomes enemies; was it not told me the day before Nazeby fight, that they should be swallowed up quite, and that the city of London should be beleagured, stormed, and sackt or famished, by those bragadociats, that reckoned before their host, that they would take the Block-house, &c. And was not this poore wretch, in tendernesse of love beg'd to get out of the city before that intended destruction came. And did not he, with Major Generall Brown, and Sheriffe Gibs, acquaint the state with the plot? doubtlesse yes, and twas defeated immediately, and news came that God had turn'd the wheel at Nazeby, and who knows whether your excellencie be not the man that must drive Antichrist from his seven hils, *Capito inus, Aventinus, Quirilinus, &c.* to Avinion or Bonia? and that the stones of either place shall be too hot for Antichrist to stand on; and then the flesh of that drunken scarlet whore shall be eaten, or torn from off her bones, and thrown into the fire (f) by your excellency or some of this army? Oh! that the spirit that was in Amaziah (g) might be sevenfold poured down upon your excellency and all the army, that so there might be a setled peace to this nation, so long as the sun shall shine, or the moon prime; and that the gospel might have a free passage in this kingdom for ever. Oh! that God would make the army outstrip David's worthies, Constantines, Alexanders, or Aurelius Antonius his legion of Christians, who obtained rain by prayer, so far would God honour his children before heathen armies, not for their prayers, but for Christ's sake, to the conservation of the whole army, and destruction of the adversaries. So the Lord make this army the thundering and shining army, κεραυνοβολος, Fulminatrix, and like those 300 that lapped water with their tongues like dogs, that would not couch to the water, but brought it to their mouths, and cleansed that countrey of the Amalakites (h) that oppressed the well affected and peaceable people of that land, crying, The sword of the Lord, the sword of the Lord; and so caused justice to run through the land, then the land shall flourish. Oh that God would rouze up those lion-like men by giving the first shout, making the first onset upon iniquity in a just way, and by order and direction from those that have power and authority to set them upon the work, viz. the parliament and honourable commanders, and therein mistake me not I pray; and the Lord poure into their spirits abundance

of his fire, viz. love, that it may burn out that corruption in themselves, and reform others with whom they shall converse, and enkindle such a fire, throughout the kingdom, and the whole world, that Satans floods (i) may never quench, as, blessed be God, 'tis already kindled in every part of the kingdom: and I am perswaded that it will burst forth into a great flame (and that God will make this army the instruments of't) though the greatest work is behind, namely, the purging of houses, towns and c ties, the erecting in church and state, the reformation of God, and the teaching of God, that no statutes against God be left unrepealed, and such as may be wrested by the wits of wicked men, may be so explained, that there may be no more whippings of the backs of good subjects, and good Christians, with wholsome laws wrested. Oh, that it might be accomplisht in this army and the world over, which was once intended by the king of Swedes, that all might go under the name of Christian, and all nick-names be forgotten. That it might be ever said, these are Christians, the people of God, saints by calling, and heirs of Heaven; this would be an heaven upon earth, to see and hear none but Christians, a Christian king, a Christian parliament, a Christian army, and a Christian people: if this were obtained, all the hellish fire of malignity, the cause of our miseries in this kingdom would quickly out. Sir, I remember that a poore man once presented a little water betwixt his hands (having no thing else to bring it in) to his chieftain, and 'twas accepted; and I have brought unto your excellency what I have in this little book ensuing, i. e. mans badnes, and God's goodnes, some gleanings of wheat out of God's field, a little honey out of his hive, (k) with a little balme, spices, myrrhe, nuts, and almonds, wine refined upon the lees, marrow, fatnesse, and the spirits of food for sick souls to feed on, delicates, most excellent fit for the daintiest pallates to relish without loathing, and they may feed abundantly without fear of want, or surfeting; and treasures, pleasures, garments, and arms, that will not onely make rich, give content, make amiable, healthfull, and happy for our preserving, yea from the danger of enemies, but will prove an antidote against whatsoever poysons that either sin, satan, or the world shall compound; and are absolutely necessary at all times in all conditions, and will prove utilious to all sorts or sexes, and should be welcome to all particular men and women, whatsoever can be objected against them by devils or men. They'le prove a bed to rest and sleep quietly in; a house for safety and shelter, from the stormes or tempests of times alterations, and a paradise of pleasures for wearied souls to solace themselves in, and where they have abundance of supply and safety, together with pleasant walks, rivers, prospects, shady places, beds of spice, and flowers of all sorts, yeelding a most fragrant, odoriferous, and delightfull smell onely to spirituall nostrils. (a) Isa. 63. 9. (b) Prov. 28. 1. (c) Isa. 66. 20. 66. 11. Ezek. 1. 19. 22. Exod. 2. 3. 7. 7. (d) 2. Sam. 23. 5. 1. Sam 16. 13. 2. Sam. 5. 15 (e) Act. 9. 9. (f) Rev. 17. 16. (g) 2. Sam. 23. 8. 22. 1. Chron. 12. 18. (h) Judg. 7. 7. (i) Rev. 12. 15. 16. (k) Gen. 43. 11. Isa. 25. 6 32. 2. Psal. 116. 7. Psal. 19. 10, 11. Psal. 119. 2. Joh. 6. 55. 2. Cor 5 1. Cant. 5. 1. 7. 13.

And 'tis none but Christ who is armour to the souldiers, riches to the poore, honour to those that are in contempt, yea to despicable ones; he is life to the dead, legs to the lame, eyes to the blinde, light to them that sit in darknesse, and in the shadow of death, clothes to them that are naked, and liberty to them that are shut up in the prison of infidelity and unbelief: he is the new heavens and new earth, in which dwels righteousnesse whom God will hear for us; the sea of unsearchable treasures, in which we may cast ourselves without danger of drowning: in him there is nothing but pleasures, and unexpressible delights, the quintessence and spirits that will afford all health, that physicke that will cure all soul-maladies, and he is so to all his, without respect of persons, and God's no prosopolepstian, he respects the poore as well as the rich; and 'tis a greater honour to your excellency, that God hath accepted you in his Son, and so made you a Christian, and given you large experience of the incomes of God through Jesus

Christ, and given you abundant entrance into his spirituall, universall, and eternall kingdom, where the priviledges are of the same kinde, then if he should (as he hath made you our generall, blessed be God that ever 'twas so) make you the generall of the whole world.

Now the lord confirm you in the true grace of God wherein you stand, and make you more instrumentall to the kingdom, and nations that are Christian the world over, and make you a leading peece to all generals that now are, or shall be hereafter, and move your heart to pity the town of Torrington, and as much as in you lyes to erect a publick place for God's worship there, upon the publique stock, the people being poore, yet those that are Christian, both magistrates and commanders, that have little incouragement from those that they have adventured their lives for, and expended their estates, for their safety, the lord put better hearts into them I say, those are thankefull to God, and have gladly received those that would impart the gospel to them, and keep dayes of thanksgiving, &c. for so great a deliverance; and though they stand in the open streets, neither cold nor rain can deter them from it, they being true eagles will feed on the carkasse Christ in the gospel purely preach't, as Mr. Peters and divers of the army can witnesse, and their own testimony for myself annexed, that spent a day by way of thanksgiving, since my being under the command of Coll. Henry Gray, as it follows word for word in their certificate annexed, the 20. of Decemb. 1646. This day Mr. John Heyden, chaplain to the honorable Coll. Gray, did powerfully preach the gospel of Jesus Christ in Torrington Magna, to the great comfort and incouragement of that great audience which were present. John Vosey, Major Richard Gay, John Harwood, John Ward, William White, and Henry Semor.

One request more unto your excellency, oh! that you would think on a speedy way to keep in union and communion the famous city of London, and the army, (the onely way, as I humbly conceive, to cure all our maladies) and that the kindnesse of the lord shewed by them may never be buried in oblivion, for the miscarriages of some. Let me find favour in your excellencies eyes, seeing that I write without fear or flattery; and a charitable construction from others, and I shall praise God for it, and leave the issues to him who hath the issues of death in his hand. Who were the first seekers of, and stirrers in, yea the implorers of all their friends in the kingdom to obtain this parliament, and to assist them by bringing of vast sums of money, jewels, and plate, by loan and gift, to the preservation of the laws and liberties of the kingdom? *An.* The Londoners. Who opposed arbitrary government, the ship-money, and monopolizing, &c. more then the Londoners? Who prosecuted the just complaints of the oppressed, and countenanced such more then the Londoners? Who visited poore ministers and Christians imprisoned (contrary to law, conscience, and common honesty) and sent them food, bedding, and maintenance for their numerous families, that they perisht not, but the Londoners? Who procured the liberty of Mr Burton, &c. and got them out of prison, rejoycing at their return, and were exceeding open-hearted and handed unto them, but the Londoners? Who supplyed the honest gentrie, yeomanrie, and artificers and their families for the present that have been plundered in the countrey where they live, and sends them home in a far better condition than ever they were, but the Londoners? Who so ready to move and stir in the behalf of persecuted ministers of the gospel, and to make all the friends they can (in a lawfull way) to get them out of trouble, and send them to their own places with gladnes of heart; and when they are dead, provide for their widows, and brings up their children in the nurture and fear of the Lord, as the Londoners? Who, when there is any great work to be done (for the church of God beyond the seas in distresse, viz. the relieving of Germanie, and the supplying the necessity of Ireland with monies, men, and clothes though their bounty may be abused) are the first stirrers in it, and are most liberall towards it, and the leaders to the whole kingdom, and other countreys? The Londoners. Who first strive by prayers with tears and groans to God for the redressing the enormities in univers-

ities, innes of court, and other schools, that the healings of God might be on the nobility, gentry, and commonalty of the land, by getting out the bad, and procuring good governors, masters, and schoolmasters in their places? The Londoners. Who erects schools of good learning, and makes provision for poore scholers, and keeps them in the universities by their exhibitions formerly, and now by procuring stocks of moneys by voluntary contribution, whereby poore men's children are comfortably maintained there, and when they return poysoned and corrupted, by their gracious counsell and good example reclaim them, and send them abroad into the dark corners of the kingdom, but the Londoners? who procure lectures, and gets honest ministers to publish the gospel to their poore countrymen, that so they might be saved by Jesus Christ, but the Londoners? who strive more to place in good magistrates, ministers, and common councell men at home, and grieve for, and most couragiously oppose the contrary, and by all good and lawfull wayes and means seek the removall of those that are like Jeremies rotten figs, that cannot be lookt upon but with grief and detestation; tasted and smelt unto, but with offence and loathing, and are to all good men an abhomination, the good Londoners. Who would rejoyce more to see true religion profest, and all things in church and state redrest in England, and the world over, then the Londoners? who so tender of God's and man's poore, having provided a bethel and hospitals for such, with admirable provisions for such poore creatures; and who detests more, and represse more the devils poore, *id est*, impudent and sturdie beggars, and where are there fewer in the whole kingdom then in London? and who sets poore people in employments, and allows so much for their honest labours, and treasures up so much corn in time of plenty for the relief of the poore against the time of dearth, and layes up coal and other fewell for the poore against winter, without gain at all, but the Londoners? who so apt to raise up young beginners, by putting stocks in their hands and at their marriage drop in so liberally in the bason, stirring up their friends to do the like, and giving large summes out of their own purses to their servants to begin the world withall; and when any poore men are decayed through sicknesse or trading, who makes purses for them, or otherwise supplyes their wants, and makes up their breaches so freely, fully, and secretly as the Londoners do? who outstript all the papists in the world in good works both to souls and bodies, and though approved of God and all good men, yet gloried not in them, boast not of them, neither put any confidence therein; but forget it, and rest wholly upon the meer mercy of God, and merits of Christ for favour, life and salvation, and keep works in their proper place amongst men, working not from false grounds to wrong ends, and keep law and gospel in their right channell, and who more abhor errors then the Londoners? What corporations or companies in the kingdom allow exhibitions to poore decayed ministers, that cannot exercise their talents by reason of age, &c. 5l. or 10l. or 20l. per annum, but the Londoners? who have left more fragrant, odoriferous, and sweet smelling savours behind them in all the parts of the kingdom by their sweet honest, and gracious behaviour, (before poore, deluded, seduced and ignorant people, that have not heard the gospel clearly taught in all their lives) in repeating evangelicall sermons, reading and expounding the scriptures according to the proportion of faith, praying in their families, where it was never used before, pressing them to out their bad ministers, and get in better, that might erect exercises of religion, use conference, keep daies of humiliation and thanksgiving; and by their means through God's blessing, have endeered the whole army for their sakes to them who have gotten their hearts; and thence it hath been, that they have been so ready to make their addresses to the army, to crave their help in easing them of their oppressions and grievances, and on this ground unto this day have been so forward to accommodate the army with necessaries, when themselves and their children (thousands of them) to my certain knowledge could hardly spare it, (which, if they should be disappointed of their hopes, which God forbid, and of which in the

hearts of all honest men there is no fear) would quickly be abated, and who must continue this good opinion and readinesse to assist the army, but the same beloved of them and precious Londoners? when there was a late plot (by the cunning and malice of the devill, that would willingly see the ruine of London, the kingdom, and all Christendome, that so much stand in his way, and throw down his kingdome) to raise a new war, and destroy their former saviours and best friends, who could have discovered it, and who to prevent it in a lawfull way by petitioning for unity, peace, sweetnesse and agreement, though to the losse of some of their lives, limbes, and the shedding of much innocent blood in the prosecution in a most peaceable way, and so prevented it were it not the good figge like Londoners, Jer. 24. 1. And if ever England he reduc't into a right order, who will have the greatest share in it, and be most steady to the accomplishment thereof? doubtlesse it will be the Londoners. And who shall be the mirrour of the world for enjoyment of mercies contrary to the old lyes and delusions of the devil, those lying oracles, and be a terrour unto the enemies of Jesus Christ, and a leading piece to all the Christian world in all godlinesse and verity, and when these that are alive dye in the Lord, Revel. 14. 13. their good works may follow them to imitation successively from generation to generation such is the meaning of that text; God grant this may be the portion of the Londoners for ever. Be it so, amen, Lord, and amen.

Who so readily disburse such vast summes of money to clear the kingdom of the Scots, and other nations, and to pay the armies, when it was made appear to them, that it was for the honour, ease, and safety of the kingdom, as the famous Londoners? who did in the beginning of these unhappy wars more cheerfully leave their habitations, and terrene comforts, to relieve their brethren, and suppresse the proud adversary; witnesse Edge-hill, Newbery, Basing-house, and in all other fights who behaved themselves more gallantly, faithfully, and did better service, than the Londoners? and who more faithfull, wise, valiant, and constant in seeking the generall good of the kingdom, and safety of the army, then the Londoners that remain now in the army? and let me speak freely in love, who would more gladly hear and see the king (Manasses like) to return to God, his parliament, and kingdoms, and then to discover all the close and open enemies of God, Christ himself, and his once three flourishing kingdoms, and so lay open, and bring to condigne punishment (those close factors for the devill, and Rome, who ever they be, that seduc't him) or receive mercie from the representative body of the kingdom, whose practise it is frequently to extend it to such as seek for it, and on so blessed a return to joyn with his fast and best friends, the parliament and army, and so bring forth the reformation of Gods own appointment, to the tranquillity of this nation, extirpation of popery, and the utter rooting out of superstition and idolatry, then the true, enlightned, undeceived, and gracious Londoners? who must pay the army their arrears, will labour more in the use of all lawfull means to preserve the king and kingdom in their just rights, and be at cost to chronicle this present army (as the truth is) the blessed instruments in the hand of God, and the praise of this nation to the worlds end, acknowledging them to be our temporall saviours, and thinking nothing in the world too good for them, I trust it will be the Londoners, that would be most ready to disburse (besides what they have layed out already) millions more instantly, if they saw that all things were justly and uprightly carried on, and that men would so speak and so doe, or did they see a way (that would certainly redresse all the grievances of the kingdom, and put an end to all their just feares) set upon by those that have power in their hand with an unalterable resolution, they would declare themselves by their speedy practise to be the best friends England, king, parliament, or the armie have, and adventure their dearest blood, and whole estates in the just defence of all. So believes he that is resolved to adventure his life, and per-

swaded all Englishmen, as hee hath perswaded all his friends, to doe the same with, and for those that seeke for justice, and labour to maintain the right of the subject, though in number few, and in outward condition despicable: but will oppose (God assisting him) ten thousand armies, if he had strength, and perswade all other to doe the like, in case they should goe on in a way contrary to justice and honesty: but is fully perswaded, that he shall never have an eye to see, or an eare to heare, such an alteration of so indeered an armie, and that as in all places his main care was to render it precious unto all, and doubts not of his and their full enjoyment of their expectation, and so remains your excellencies to command in the kingdoms service to live and dye with or against the armie, as they stand, or fall from their integrity.

JOHN HEYDON, minister of the gospel.

November 5, 1647.

CHRISTIAN FRIEND,

BEING desired by a most intimate friend, M. H. to print these verses licenced, and to insert them at the end of my epistle, finding them to be very beneficiall, 'tis granted that most of them were my owne of old. Thine in the nearest relation,

JOHN HEYDON.

THRICE happy blessed light,
That gives the soule a sight
Of her lost state renewing.
Thrice happy, blessed good,
That brings such wholesome food,
That lasts to life ensuing.
My soule stands now aspiring,
And freed from all desiring,
Or lack of want of pleasure.
With sweet contentments fed,
And to such joy is led,
As is her only treasure,
Which makes me mount and sing
Unto my heavenly King,
In solace sweet contenting.
Mine heritage doth stand,
Built by the Lords owne hand,
Beyond my wits inventing.
For why, my inward love,
Doth flye so far above
All earthly worldly stayning.
Mine inward truce delight,
Is mounted now on height,
Above all earthly gayning.
The comfort of this sight
Makes heapes of trouble light,
And all things else well pleasing.
And freeth man from care,
Which worldly crosses are,
For all things else are leazing.
My patient resting soule
Stands firme without controle,
Or feare of Sathans tempting.
For why, my hope is nigh,
He stayes my soul on high,
From troubles me exempting.
What should I need to crave,
When I such plenty have
Of true and heavenly food?
Or how should I wish more
That have such blessed store,
The true and only good.
Would wealth, or honours friend me,
Best worldly goods to send me,
With rarest gifts to stile me,
And make the fairest shew,
To cause me here to bow,
And so would thence beguile me?
Nor fading comforts please me,
Or chiefest jewells ease me,
If truest be good lacking.
Could chief'st preferments give me,
Any content, or grieve me,
Which comes at length to sacking?
No, no, my moystened minde
A better good doth finde,
Beyond the world conceiving;
Whose worth is farre more rare,

Then jewells rare that are,
Or all such base deceiving.
All this too base I find
To please aspiring minde,
Once touch'd with free anointing,
Doth cast all else away,
And builds her only stay,
By Gods free love appointing.
What then, can world affray me,
Or all her threats dismay me,
Sith that my heart's above her?
What comforts can shee give me,
Or crosses for to grieve me,
Sith that I cannot love her.
Or what hath reason brought,
For all that she hath sought,
By all her curious searching.
What hath her travels found,
Whereon firmly to ground,
The truth of inward teaching?
To what good can she lead me,
Or all her skill bestead me,
By all her forc't devising,
She being, by her kind,
Lost and spiritually blinde,
Unto her second rising.
But rather by her failing,
Is found thatt ruth prevailing,
By meek subjective resting.
Upon that rock of strength,
Which brings true joy at length,
Beyond all tongues expressing.
If world went into wrack,
Yet nothing should I lack,
Sith I have all in one
That lovely glorious thing,
Which brings true comforting,
Besides that there is none,
For what as sense doth deeme,
In her darke base esteem,
To bee a good or treasure.
Or what we should devise
In view of carnall eyes,
To be the chiefest pleasure.
Is built upon the sand,
Not able to withstand
The blast of strong assayling.
But when those stormes did threat,
And on that building beat,
Their forces finde prevailing.
But farre contrary they,
That finde their helpe and stay,
In Gode their rocke and guiding.
Like Sion, they shall stand,
Removed at no hand,
Full sure from feare of slyding.
Whose spirits soare above,
By draught of heavenly love,
Doth flye all worldly pleasure
But nature makes a stay,
Till God doth make the way,
At his appointed leasure.
When vail unmasks the mind,
And sense she doth not binde,
The soule she takes her flying;
All ravish'd with delight,
She takes her joyfull flight,
All worldly things denying.
And so most strongly pressing,
To this her true possessing,
Now touch'd with heavenly lightning,
Which brings quiet repose,
Undaunted of all foes,
For all their force affrighting.
For though she felt the smart,
With fainting longing heart,
And thirsting for this fountaine,
Almost brought to despair,
That God should so upreare,
And bring her to this mountaine;
And having walk'd astray,
In many a fearfull way,
In course of her sojourning:
But when the night was past,
And stormes have blowne their blast,
Then joy comes in the morning.
When clouds are all disperst,
And sunne shines forth at last,
To give a sweet refreshing,
Then soule doth find her rest,
That good and only best,
Of her true food refreshing,
That manna, precious food,
Whereof the world is void,
From sight of such beholding:
And having found that grace
This treasure to imbrace,
In sweet and true unfolding;
No tongue then can expresse,
The joy they doe possesse,
Not sensuall power beleeve it,
What goodnesse God doth show,
To them that do him know,
When he vouchsaves to give it.

This is that pearle of price,
Man lost in paradise,
At his first time of falling;
Which no man can attaine,
Till he be brought again,
By God's effectuall calling.
This is that blessed store,
Delights the soule far more,
Then thousand worlds can give it.
Christ is that only thing,
That comfort true doth bring,
Would all men did beleeve it.
This treasure locked lyes,
From view of carnal eyes,
In simple true enjoying.
Though placed in man's breast,
It hath a better rest,
Beyond all deaths destroying;
Which makes the sense stand musing,
Beyond the power of using,
The means of this same seeing:
And then she cleerly sees,
With love on bended knees,
The power of all things being:
This is that blessed state,
Wherein all saints do wait,
With inward free attending.
This is that rest and peace,
That sweet and only grace,
Which lasts without all ending.
This is that draught of love,
Which lifts the soul above
All carnall worldly knowing,
And kindleth such a flame
Of praise unto Gods name,
With free devoted flowing.
This is that diadem,
That new Jerusalem,
That happy state of being.
Christ is that rest and peace,
That sweet and only grace,
Which passeth sense of seeing.
In Christ who sets his whole delight,
For evermore shall live,
'Tis only he, and hee alone,
His life for us did give.
He suffered death upon the cros
From death to set us free.
No mediator for our sins,
Wee have in heaven but hee.
Man fell through Sathans su lty,
To death and endlesse pain

And Christ shed his most precious blood
To bring us back again.
Who so in him assured sets,
His faith and only trust,
He never shall confounded be,
But live among the just.
Of endlesse joys and happinesse,
He shall be sure to speed.
Remaining still in Christ his sight,
From whence all joyes proceed.
O heavenly God, and Father deare,
Cast downe thy tender eye,
Upon a wretch that prostrate here,
Before thy throne doth lye.
O powre thy precious oyle of grace
Into my wounded heart,
And let Christs blood my sinnes deface,
And wash out it's desert.
Thy righteous law I have transgrest,
In pleasing of my minde,
And to the lust of earthly things,
My heart hath been inclin'd,
Forgetting heaven and heavenly power,
Where God and Saints do dwell;
And I was walking in the steps
That leads the way to hell.
Grant now, O Lord and Saviour sweet,
I may no more do so,
But for my life in sin misspent,
My heart may melt with woe.
And still to set before the view
Of faith the worke of Christ's,
And credit still thy worde most true,
Wherein true peace consists.
Because 'ts Christ, not wee, who hath
Wrought all our workes for us;
And so did undergo thy wrath,
And freed us from the curse
Of law so pure and just also,
Which on our soules did lye.
Such righteousnesse thou didst bestow,
That perfect in thine eye,
In which we stand e'rlastingly,
Approved in thy sight,
Increase our faith it to apply,
And therein to delight.
This will prevaile against all sinne,
And practises unjust.
For then to live well we begin,
When we in Christ doe trust,
Resting o'the thoughts, words, works of him,
Which are presentative,

For generations, sexe, and times,
That were not then alive,
Who cannot praise thy goodnesse, Lord,
That such a gift didst give,
Thy Christ to us of free accord,
In whom with thee we live.
The life of grace on earth so sweet,
As no tongue can expresse;
And glory too, and that's most meet,
We should it still confesse.
In Adam I was old, in Christ I'me new,
By nature I was false, by grace I'me true,
I once was dead in sinne, and void of sense,
Now, Christ by faith, inlivens my conscience;
Myselfe I lost, when I myselfe would finde,
I thought I saw the way, when I was blinde;
In restlesse ways, I wandred long in vain,
All workes and strife brought nought but griefe and paine.
When God me slue, I nothing knew but woe,
Then I dismaid, by him was staid death fro;
And hee did please, my heart to ease from care,
In whose first sight, I saw a light most cleare.
Then me to sit, he did admit so bold,
In heaven's gate, in chair of stately gold,
Hee made mee white, and also bright from sinne;
From me all wealth and lasting health did win,
Therefore I'le rise highly to prize free grace,
And ever please my king in heavenly place.
Then wisely to conclude, the Lord me taught,
I nothing am, and nothing can but naught.
Let learning of philosophy
Of me, Lord, be forgot;
But only faith in Christs heartblood,
Which makes me free from spot;
For Christ hath wrapt me in a robe
Of everlasting joy,
Why should blinde reason me disturbe,
And eke my soule annoy.
This perfect robe of Christs own worke,
His royall righteousnesse,
So long, so large, so full, so broad,
It need'th not to be stretcht;
It covereth him from head to foot,
And overspreads me all,
And under that a name me gives,
His daughter doth me call.
Christ is my cloudy pillar by day,
My fiery pillar by night.
He covereth me with his own flesh,
Before the Lords own sight.
To me no sin he doth impute,
Because of Christs own work.
Lord give my soule it to beleeve,
And that with all my heart!
God hath betroth'd me to himselfe,
Even of his own free love;
A cov'nant that's most surely made,
Christ seal'd it with his blood.
Suffer me not a-whoring then,
O Lord, from thee to run,
But hasten, Lord, unto my soule,
Come, my love, Christ, O come.
Though darknes did me over-spread,
Yea, darknesse like to hell,
Yet my love got the victory,
Christ kil'd the dragon fell.
All praise to God, my Father dear,
That such great love did shew,
This name to give me in baptism,
Where I did not know him.
By Christ the Lord hath made me light,
Yea, brighter than the sun.
O Lord, give me the Holy Spri't,
To walke here like the moone.
Away with such blind reason then,
Which saith sins in Gods sight,
For God abhors such monsters sure,
Sin is not his delight;
For surely sinne high treason is,
Against his Majesty,
From which, if Christ had not us sav'd,
Then surely we must dye;
But if that we to God will give,
The glory of his praise.
Then it must bee by faith in Christ,
Here all our life and days;
But if our sinnes still God doth see,
Accursed we doe stand;
For our sinnes are in number more,
Then is the sea-shoare sand:
Although the devill would ascribe,
The praise hereof to me,

Yet Lord, my God, unto thyself
Let all the glory be.
Our faithfull father, Abraham,
A pattern to behold,
Whose faith and works they are laid downe
In scripture manifold:
That reverend ancient father,
He did beleeve the Lord.
He credit'd not his carnall sense,
Which is to be abhor'd,
I meane in case of saving faith,
Where carnall sense is out:
But he did credit what God said,
And did not thereof doubt,
For when the Lord did say to him,
His seed they should be many,
His promises he did imbrace,
And did not put back any.
He look'd not on his own deadnesse,
Nor yet on Sarah's wombe,
Though both of them had barrennesse,
Yet fruitful should become,
Hee look'd upon the Lords promise,
And's quickning pow'r also.
Though starres are many in the skies,
His seed they should bee moe.
He fought a battel by his faith,
Against his owne deadnesse;
And under hope had victory,
Gods word it doth expresse,
The triumph of his faith also,
It did in this consist.
He yeelded unto God's own truth,
And did not it resist.
This was not writ only for him,
But also for his seed;
In generations for to come,
To strengthen them in their need.
Then let us make right use of this,
And it to us apply,
And prove ourselves of Abraham's seed,
Before that we doe dye.
And practise now in age and youth,
As he our imitation;
In cleaving to God's holy truth,
That's our free justification.
For by't the Lord doth try all them,
That are upon this earth;
And see'th where we will seal to him,
And credit what he saith.
For God he saith to us on earth,
Though dead in sinnes we are;
Yet Christ hath quick'ned us in heaven,
And we by faith set there.
God saith wee're holy in his sight,
For so he doth us call!
Let us beleeve it with delight,
Though we see't not at all.
He saith we are before himselfe,
Pure, cleane, and without spot:
Let us beleeve his faithfull word,
Though faithlesse folke doe not.
Let us beleeve what God doth say,
Though contrary to sense:
Let his owne word in us beare sway,
For it is faith's substance.
Then let us walke and tread in steps,
Of faithful Abraham;
For faith all carnall sense out-leaps,
Blinde reason overcame.
For all that have had Abraham's faith,
A blessing on them came;
For so God's word most plainly saith,
They'r blest with Abraham.
If that thy eyes anointed be,
Seeing thy misery;
And thou by Christ restored art,
Then joyfull may'st thou be,
Though thou by nature sinfull art,
If thou thyselfe forsake,
Christ never will from thee depart,
But thee from woe will take.
For he from sinne hath made thee cleare,
Shedding his blood for thee:
And in God's sight hath made thee deare,
Keeping the law for thee.
Wilt thou bee thankfull? then beleeve,
That Christ did all for thee:
Wilt thou be thankfull? then beleeve
That Christ gave thanks for thee.
Let not that sinne committed be
Of which thou hast repented;
The which God hath remitted thee,
But let it be prevented.
For faith breeds not security,
In sinne to wallow still;
But worketh true sincerity,
In heart, in minde, and will.
On angell' wings thou shalt bee brought,
T'enjoy thy heavenly crowne,
Deserv'd, preserv'd by Christ for thee,
In glory and renowne.

Christ is my love, my joy, my glory bright;
He is my shield by day, my rest by night!
Right wise is he, and just, of power prevailing,
Imparting all to me, me never failing.
Saved I am by him: what should I feare?
I am to him, he is to me most deare.
I, grafted into him, am with him one;
He is my bridegroome, even hee alone.
Make haste, sweet Christ, bring mee into thy pallace,
That I may have with thee eternal sollace.
Incline my heart, my lips, and tongue alwayes,
Only with joy, to thee to yeeld all praise:
That all my life may be true holy-dayes.
Living alwayes by faith, I shall thee please.
My peace of mind, my happinesse,
My only joy is this:
Amongst the saints, because, in Heaven
My name sure written is;
Registered there by God himselfe,
I dare my heart from doubt:
I know no sinne, or devils can,
Come there to blot it out;
Because the Lord, who constant is,
And changeth not like man,
Hee writ me there, and taught me this,
Whose child and spouse I am.
A certaine seale and pledge thereof,
My calling is to me;
In Christ my Lord ingrafted am,
His only child to be.
Faith is the hand holds Christ the head,
Faith is the foot on which we stand:
Faith is the shield will stand's in stead;
Faith foileth all the hellish band;
Faith putteth life into the dead;
Faith doth reduce such as were fled;
Faith is the ground of greatest joy,
The pearle of pearles, of highest price;
The world to faith's a fained toy;
Faith's excellence who can devise?
No men, nor angels can declare,
What treasures in Christ Jesus are.
Where faith is present in man's heart,
That faithfull heart is full of power:
Faith so unites, that none can part;
Faith maketh God man's strongest tower.
Faith is the gold that's never dim,
The ship in which we safely swim.
This is the myne in which we dig,
The treasure rich for which we trade;
This ship good builders wisely rigge,
The greatest merchandise that's made.
For Christ is better far then gold,
Or pearles, or ought that can be told.
Remember well when faith men name,
They often mean the object high,
On which faith's fixed, yet the same,
Which was from all eternity.
Christ Jesus, God-man, understand,
If you will know what here is scan'd.
All such as are beleevers sound,
Which truly know this mystery;
Why should not such in joyes abound,
And for abundant joyes out-cry?
Let unbeleevers tremble all,
Faith's mystery to joy doth call.
Doe we not know that all things must,
Worke well alway most certainly,
For us that have a Father just,
Which ordereth all things mightily.
Beyond our thought, or what we crave,
In Christ our Lord he freely gave.
In waters deep he holds us fast,
In fire he walks with faithfull soules,
When flood and fire to hurt make haste,
Both flood and fire our God controles.
Nothing from God's love can us sever,
Christ yesterday, to-day, and ever!
Hath God said ought hee will not doe?
Shall any clamorous powers prevaile?
When was our God to his untrue?
Shall men or devills make him quaile?
Stirre up your faith, expell base feare,
Our God in's Mount will sure appeare.
Shall earthly parents painfully
Provide for safety of their sons?
Shall worldly husbands carefully
Shew kindnesse to beloved ones?
And shall wee question heavenly love,
And by false feares God's patience prove?
Can tender mothers soon forget,
Her tender child that suck't her breast,
And prove unkinde, and him neglect,
And so her owne flesh to detest?
God cannot, for he changeth never;
But whom he loves, he loves for ever!

Imprimatur, JOHN DOWNAME.

TRACTS

DURING

THE REIGN OF KING CHARLES I.

SECOND CLASS.

HISTORICAL TRACTS.

KING CHARLES I.

SECOND CLASS.

HISTORICAL TRACTS.

A true Relation of the Treaty and Ratification of the Marriage, concluded and agreed upon between our Sovereigne Lord Charles, by the Grace of God, King of Great Britaine, France, and Ireland, and the Lady Henretta Maria, Daughter of France, and Sister to his most Christian Majesty, the French King.

Printed 1625.

The immediate consequence of the breach of the long-intended match between Charles and the Infanta of Spain, was the opening a treaty with France, for his marriage with Henrietta Maria. The policy of Richlieu did not omit this opportunity of endeavouring to secure the alliance of England, and articles of marriage were signed by King James on the 11th May, 1624, and by the French monarch on the 14th of August following. They were afterwards subscribed at Paris, by the English ambassadors, the Earls of Carlisle and Holland, and are of the tenor following.

In the name of God the Creatour, know all people present and to come, that so it is, that the Christian King of France and Navarre now reigning, have had very many propositions from James, the late deceased King of Great Britain, of ever good and blessed

memory, [1] to the end to knit and strengthen their crownes and kingdomes more and more, by one indissoluble bond of love and amity, thereby taking the example of many kings their predecessours; the aforesaid kings very well knowing both how honourable and profitable for all Christendome, that princes of such birth, worth, and greatnesse, would be united together by the intermarriage of his majesty of Great Britain now reigning; and then the most high and mighty Prince of Wales, unto the said Lady Henretta Maria.

And to the end that the same intermarriage should not be delayed, but quickly take effect, the said late deceased King of Great Britain, desirous to see so good a work concluded and fully ended, sent the Lords the Earles of Carlile and Holland, as his ambassadours extraordinary, with full power and authority for the concluding and ending of the said marriage to his most Christian Majesty, who having deputed and appointed some of the Lords of his councell, with the Lords the Cardinall of Rochell, great Almoner of France and of Richleire, Phaligre, Chancellour of France; and the Lords the Earls of Standbridge, Chancellor of our Order, and of our Privy Councell; Governour and Lieutenant-Generall Angelmina and Linsosen, and de la Villounthers, Earle of Mountbourne, and also principall Secretary, giving them full power to hear and understand the aforesaid propositions, and to treat, conclude, and agree with the aforesaid ambassador, touching and concerning the aforesaid marriage; the which, after many meetings, to the liking and content of both his said Christian Majesty, and the Lady Henretta Maria, and of the princes of the bloud royall, cardinals and other officers of the crown of France, and principal lords of his most Christian majesties counsels of the one part; as likewise, in the presence of the high and mighty Lord James Hay, Earl of Carlile, Viscount Donchester, Baron of Sally, one of his aforesaid majesties privy counsell of Great Britain, and knight of the most noble order of the Garter, and the high and mighty the Lord Henry Rich, Earle of H. and Baron of Kensington, ambassador extraordinary for his Majesty of Great Britain; as for his Christian Majesty appointed, were received in manner and form following:

I.

That the abovenamed lords ambassadors have promised, and do promise, for, and on the behalfe of his majesty of Great Britain now reigning, that he shall take to marriage for his dear consort and wife, the said Lady Henretta Maria, in person, or otherwise by proxy, so soon as conveniently the same may be done.

II.

That also the aforesaid lady, at the good pleasure, and with the consent of his said Christian majesty, and of the queen his mother, (after the aforesaid majesty hath obtained a dispensation from the pope,) doth promise to take for her dear consort, Charles the first, King of Great Britain; and according to the aforesaid reciprocall promises, they shall be affianced and contracted after the manner accustomed in the Catholique and Romish church.

III.

After the said contracting of the indissoluble marriage shall be celebrated in France

[1] One of poor James's last jests was upon the subject of this marriage. He told the French embassadors, that he intended to make war upon the Lady Henrietta, because she had refused to receive a letter from him, and another from the prince. Yet he added he should soon make peace, because he understood she had afterwards put the first letter into her cushionet, and the second into her bosom, thus intimating, that she meant to reserve his son for her affection, and himself for her council.---Howel's *Letters*, p. 178.

according to the order and form that was kept and observed in the marriage between the late deceased King of France, Henry the Great, and his deceased Queene Margarite, and the late deceased lady, his sister, with the late deceased Lord, the Duke of Navarre.

IV.

That after the celebration of the said marriage, the aforesaid lady shall be brought for England, so soone as possible may be, and shall be conducted to the town of Bolloigne, at the cost of his most Christian majesty; and at the said town of Bolloigne, the aforesaid lady shall be consigned to such noblemen as his majesty of Great Britain shall appoint and think worthy of such a purpose; and from the said town of Bolloigne into England, all the cost and charges of the said lady shall be fully borne, paid, and satisfied by his majesty of Great Britain, for all things whatsoever convenient and fitting to the worth and dignitie of such a princesse, born out of the house of France, and joyn'd in marriage to the king of Great Britain.

V.

The aforesaid marriage being celebrated and done in France, it is agreed that the said lady, being arrived in England, a day and place shall be appointed by his majesty of Great Britain, where his majesty and his said lady and queene, being in one of their halls prepared for their presence, their contract of their said marriage, and the power whereby the same was concluded and agreed upon, shall be publickely read, and after that, the aforesaid contract shall be again ratified and confirmed by his majesty of Great Britain, by such as his said majesty shall re-appoint and nominate for that intent and purpose, in the presence of such of the realmes of the aforesaid king of Great Britain as shall be present at the same action; to which said contract it shall not be lawfull to add or diminish any one ecclesiasticall ceremony therein mentioned and expressed.

VI.

It is also agreed upon, that the said lady and all her followers, as also the children that shall be born to her officers, shall have free exercise of the Apostolique, Catholique, and Romish religion; and to that end, the said lady shall have a chappel in each of the king's pallaces or houses, or in any places of his majesty of Great Britain, where she shall chance to come and continue; and that the aforesaid chappell shall be adorned and decked as is fitting; and the keeping thereof shall be committed to whom the said lady shall appoint; in which the preaching of God's word, the administration of the sacraments, the masse, and other offices shall be freely and solemnly done, according to the use of the Romish church, yea, all indulgences and jubilees which the said lady shall obtain and get from the pope may be done and executed there: there shall be also one church-yard in the city of London, given and appointed to inter and bury such of her ladyship's followers as shall chance to depart their life, according to the manner and forme of the church of Rome, and that shall modestly be done; the which church-yard shall be walled and inclosed about, that no person shall come therein to prophane the same.

VII.

It is also agreed upon, that the said lady shall have a bishop for her great almoner, who shall have all jurisdiction and necessary authority for all matters and causes concerning religion, and who shall proceed against ecclesiastical persons that shall be under his charge according to the canons; and if it shall at any time happen that any secular courts shall take any of the said priests into their power, by reason of any crime or offence against the state, by him committed or done, and do find him to be guilty

thereof, yet shall the said court send the said priest to the said bishop, with the informations which they find by him, and the said priest is priviledged from their power; and the said bishop, when he shall understand and know so much, he shall degrade the said priest, and after, send him back to the secular court to do justice upon him; and for all kind of other faults the aforesaid priest shall be sent to the said bishop, to the end that he may proceed against them according to the canons; in the absence or sickness of the said bishop, the priest which is by him appointed to be his great vicar, shall have the same power and authority.

VIII.

It is likewise agreed upon, that the said lady shall have twenty-eight priests or ecclesiastical persons in her house; comprehending therein her almoner and chaplains, to serve and keep the said chappell according as they are appointed; and if any of them be a regular canonicall person, living under more prescript rules then the rest, yet he may hold and keep his habit.

IX.

His said majesty of Great Britain is by oath, not to endeavour, by any means at all, to have his said lady and queen, to forsake or renounce her said Catholique, Apostollicall, and Romane religion; nor compell her to do any thing that is contrary to the same.

X.

The said queene, howsoever, shall be maintained with so much dignity, and with so great a number as ever any had that was queene of England.

XI.

All the said household servants that the said lady shall carry with her into England, shall be priests, catholiques, and French by birth, and chosen and appointed by his majesty of Great Britain; and if it happen that any of them die, or that the said lady be willing to change any of her said servants, then she shall take in their steads, other popish, catholique, French, or English, always provided his majesty of Great Britain consent thereunto. [1]

[1] These domestics were afterwards dismissed, having behaved with their national petulance in the court of Charles, and fostered differences between the king and queen. The confessor in particular, is said to have enjoined her, as a penance, to walk bare-footed to Tyburn, to atone for the execution of the recusant priests who suffered there.

Howel, in a letter dated March 15, 1626, says—"The French that came over with her majesty, for their petulancies and some misdemeanors, and imposing some odd penances upon the queen, are all cashiered this week. It was a thing suddenly done; for about one of the clock, as they were at dinner, my Lord Conway and Sir Thomas Edmonds came with an order from the king, that they must instantly away to Somerset-House, for there were barges and coaches staying for them, and that they should have all their wages paid them to a penny, and so they must be content to quit the kingdom. This sudden undreamed-of order struck an astonishment into them all, both men and women: and, running to complain to the queen, his majesty had taken her before into his bed-chamber, and locked the door upon them, till he had told her how matters stood. The queen fell into a violent passion, broke the glass windows, and tore her hair, but she cooled afterwards. Just such a destiny happened in France some years since, to the queen's Spanish servants there, who were all dismissed in like manner for some miscarriages. The like was done in Spain to the French, therefore 'tis no new thing."

Upon this subject King Charles wrote the following two letters to the Duke of Buckingham, preserved in the British Museum, and published in Seward's Anecdotes of Distinguished Persons, vol. i. p. 304.

"Steenie,

"I writ to you by Ned Clarke, that I thought I would here cause anufe in short tyme to put away Monsers, either by attempting to steale away my wife, or by making plots amongst my owen subjects. I cannot say certainlie whether it was intended, but I am sure it is hindered. For the other, though I have got good grounds to belife it, and am still hunting after it, yet seing daylie the malitiousness of the Monsers, by making and fomenting dis contents in my wyfe, I could tarrie no longer from adverticing of you, that I meane to seeke for no

XII.

The aforesaid household servants shall take oath, to the form of the oath following, viz. I such an one do sweare and promise to be loyall and true to our soveraigne lord king Charles, king of Great Britain, and to the queen his dear consort: Which oath I will faithfully and inviolably keep; and if I know or shall know of any, that shall or will attempt any thing whatsoever against the said persons, honours, or dignities of the said king and queene, by the oath that I have taken, I will reveale the same to the said king or queene, or some others appointed for that intent and purpose, so far as I may or can.

XIII.

The marriage portion that shall be given with the said lady, shall be eight hundred thousand crownes of three pounds a-piece French money; whereof his most Christian majesty shall pay the one half in the city of London, the day before the marriage; and the other half, one year after the first day of payment.

XIV.

If it shall happen the king depart this life before the queene, without any child of their body begotten, then the marriage portion which she brought and paid, shall be wholly restored unto her to dispose thereof at her pleasure, whether she stay in England, or return into France. Then it shall be lawful for her to bring her said marriage-money with her.

XV.

But if they shall have any children living, then there shall be restored unto the said lady, but two thirds only of the said marriage portion; and the other third thereof shall be and remaine unto the said children, whether the said lady do return into France, or stay in England.

XVI.

The children which shall, by reason of their intermarriage be born and live, shall be nurst and brought up near unto the said lady and queen, from the time of their birth, untill they come to the age of thirteene years.

XVII.

The children of the said marriage, after the death of the said lady and queen, shall inherit the two thirds of the said marriage portion that was restored unto her, if the

other grounds to casier my Monsers, having for this purpose sent you this other letter, that you may, if you think good, advertise the queen's mother with my intention.

So I rest

Your faithful, constant, loving frende,

CHARLES R."

"Steenie,

"I have received your letter by Dic Greme; this is my answer—I command you to send all the French away to morrow out of the towne, if you can by fayer means, (but sticke not long in disputing) otherways force them away like so many wild beastes, untill ye have shipped them, and so the devil goe with them. Lett me heare no answer, but of the performance of my command.

So I rest

Your faithfull, constant, loving frende,

CHARLES R."

Oaking, the 7 of August, 1627.

(Superscribed) "The Duke of Buckingham."

said lady do not marry the second time: and that she have children as well by the last marriage as the first, and then in such a case, the children of the first and second shall have part of the aforesaid two thirds that was restored to the lady.

XVIII.

And if it chance the said lady to depart this life before the king without children, then his most Christian majesty doth agree, the one half of the said marriage portion shall be restored: and if there be children, then it is agreed, that all the aforesaid portion shall firmly remaine unto them.

XIX.

The said lady shall be indowed and have a joynter made unto her of eighteen thousand pounds a year sterling, amounting to the sum of in French money threescore thousand crownes.

XX.

His majesty of Great Britain shall give unto the said lady, as a favour in regard of the said marriage, fiftie thousand crowns to buy her rings, and other jewels, which shall be hereafter as proper to her and hers, as the rings and jewells of which she now hath, or hereafter shall be given unto her.

XXI.

His majesty of Great Britain shall and doth undertake for the maintenance of the said lady and her house: and if the said lady be a widow, then she shall have her joynture, and other things agreed upon.

XXII.

And if it happen the said king depart this life before the queen, having children, or without children, then the said lady shall freely enjoy and have her said joynture assigned, and payde unto her in any place, where she pleaseth to stay and abide: which joynture shall be of certain cattels, or houses with appurtenances, and one house appointed to her for part of her joynture, shall be such an house as she may keep her dayly abode in: and shall be furnished with all things fitting for a princesse of her qualitie. And the said lady shall have the disposing of the officers belonging to the said houses and lands, the one whereof shall have a title of dutchie or earldome.

XXIII.

It shall likewise be free for the said lady, after the death of the said king, whether she have children or not, to return into France, and to bring with her her moveables, rings and jewells: and also her marriage portion, as is before specified and declared.

XXIV.

The said lady, in regard of her said marriage, hath renounced, and doth renounce, all succession both by father and mother, and all collaterall succession to all the crown lands belonging to the demesnes royall of France, subject to reversion, whether by way of gift by her deceased father, or mother yet living, or by any other friend whatsoever.

XXV.

And this contract of marriage shall be registred in the parliament of accounts at Paris, and shall be ratified and confirmed in England by parliament there assembled, and also shall be there registered in the ordinary courts appointed and ordained to

and for such purpose: and his majesty of Great Britain, as also his most Christian majesty, do promise not to go against any clause or condition in the said contract of marriage.

XXVI.

And it is further concluded and agreed upon, that which of their said two nations of Great Britain or France, that shall faile in the accomplishing and performing of the said present marriage, shall owe and be bounden to pay unto the other, four hundred thousand crownes for his neglect therein.

To the observing and performing of which articles, both his said most sacred Christian majesty, and his majesty of Great Britaine are bounden, and do bind themselves, their heyres and successors upon oath; and the same act was perused, concluded and agreed upon at Paris, at the castle called or knowne by the name of the Luurance, signed by both the said ambassadors for his majesty of Great Britain, the said Lady Henretta Maria, and other princes and officers of the crowne of France, and principal lords of his most Christian majestys command, by his commissioners and secretaries of state this present Thursday, being the eighth of May 1625.

Signed thus,

Louie, Marie, Ann Gaston, Hen. Maria, Carlile, Holland, Mountmorancie, Louie de Lorraine, Ann de Mountashy, Henry de Bourbon, Delomenie, Poitier.

A Relation of the Glorious Triumphs and Order of the Ceremonies, observed in the Marriage of the High and Mighty Charles, King of Great Britain, and the Lady Henrietta Maria, Sister to the Most Christian King of France. Together with the Ceremonie observed in their Troth-plighting, performed in the Castle of the Louur, in his Majesties Chamber there. As also the Kings Declaration, containing a Prohibition unto all his Subjects to use any Traffique or Commerce with the Kingdome of Spaine. Published in the Parliament of Paris, the 12th of May 1625. Whereunto the originall French Copie is added.

London, Printed by T. S. for Nathaniel Butter, 1625.

This is a curious and minute account of the festivities attending an ill-omened contract. The French minister was disappointed of his expectation, of assuring, by this match, a steady alliance with England; and the evils with which it was fraught to the latter country proved a pregnant cause of hastening the crisis of civil war.

Now at last, God being favourable unto our countrey of France, hath pleased to grant that we most desired so long since; and those thick cloudes which seemed to obscure the lustre of our countrey, and had as it were conspired to kill the fruite thereof in the very blossome, are now scattered and blown over, together with the bad influence which threatned us, God in his secret will permitting that two of the most mighty and potent kingdomes of Christendome, should be united together, by the most glorious marriage that ever was seen in the world. Therefore now our invincible king Lewis, th

Just, must needs promise to himselfe all felicity, glory and happinesse heaped upon him by this union.

What great contentment hath France, and Great Britain profit, to see themselves so inseparably united, by a more undissoluble knot then the Gordian, and by a friendship better cemented, then the stones of the Babilonian walles, founded by Semiramas? for never shall any enemies be found strong enough to shake two so flourishing kingdomes, which derive their greatnesse from heaven, and their limits from the circumference of the globe: let all good Frenchmen now then rejoyce, at such time as the adversaries of our state, trembling with amazement and feare, have their very soules afflicted with so goodly an alliance: and that I may leave an eternall memory thereof unto all posterity, I will most succinctly here declare, the magnificent triumphs and true manner of this happy marriage.

On Tuesday, the eight of May, the king came forth into his chamber, and there appeared like the glorious sunne, out-shining the other starres, having his queene with him, his second light; the prince his only brother, my lords the Dukes of Nemours, and of Elbeuf, the Marshalls of Vitry and Bassompiere, with other lords of his court, and sent for the lady his sister, who came thither accompanied with the queene her mother, the princesses of Conde and of County, the dutchesses of Guise, of Chevreuse and Elbeuf, with many other great ladies. Her gowne was of cloth of gold and silver, all poudered over with flower-de-luces of gold, and enriched with many diamonds, and other precious stones, and her traine was borne up by the young lady of Burbon.

As she entred into the kings chamber, with a majesty correspondent to her birth, my lords the earls of Carlile[1] and Holland,[2] ambassadours for the king of Britain, came likewise also in, as richly clad as can possibly be expressed, giving unto the king the contract of marriage, which was read aloud by the lord chancellour, after the king had agreed unto the covenants. This done, the ambassadours, withdrew themselves into the Duke of Chevreuse his chamber, which was over the kings, and having communicated the contract unto him, he forthwith repaired unto his majesty, accompanied with the aforesaid ambassadors, and many other great lords, apparelled in a suite of black, the paines whereof were all garnished with diamonds, and the very tags of his points were enriched with the like.

Being come before his majesty, he presented unto him his procuration, and the power which the king of Great Britain had given him, which was inserted at the end of the said contract, which the king signed, and the lady, both the queenes, my lord the Duke of Chevreuse, and the lords ambassadors likewise. This done, my lord the cardinall de la Roche Foucalt[3] made them sure, after the manner accustomed.

Now, as such an union as this could not be performed without great pompe, and infinite joy and contentment, so our ladies church was chosen for the ceremonies of the accomplishement of the marriage, and was hung with rich tapistry and cloth of gold and silver tissue.

Then was there a faire and long gallery raised, beginning at the entry of the archbishops pallace, and reached even unto the quire of the said church: this gallery was underpropped with many pillars, which were covered at the top with violet-colour sattin, embroidered with golden flowre-deluces, and below with faire fine lynnen, trimmed with wax, through this same passed along all the ceremonies of the marriage as followeth.

First, the hundred suissers of the king's guard, clothed in his majesties livery, their

[1] Hay, Earl of Carlisle, celebrated for his unbounded splendour, and excessive expence upon his various embassies.

[2] Rich, Earl of Holland, who afterwards took the part of the parliament in the civil wars, and was beheaded by the sentence of the high court of justice, in 1648.

[3] There was, according to Howel, some clashing between the cardinal and the archbishop of Paris, who alledged it was his duty to officiate on the occasion, but was forced to give way to the cardinal's rank, and his quality of great almoner to the king.

drumbe beating and their ensigne displayed. After them twelve hautbois, clothed in the like livery, which ravished the hearts of the hearers. Then eight drumbes covered with the like, which were so lustily beaten up, that the most coward courages were animated with the noise thereof.

Ten trumpets also sounded so merrily that it rejoyced all the hearers. Then followed Monsieur de Rhodes, great master of the ceremonies, bravely apparelled, and well accompanied. After him marched my lords the knights of the order of the Holy Ghost, all glistering with precious stones. Then came seven heraulds of armes, with their coats of red crimson velvet, powdered all over with golden flower-deluces.

Then followed them my lords of Vitry and Bassompiere, marshals of France: after them my lord the Duke of Elbeuf. Then my lord the Duke of Chevreuse, apparelled in a suite of black-cloath, cut and lined with cloath of gold, with a cap also of cloath of gold, and upon his head a jewell, which dazzelled the eyes of the beholders, with a short cloak all imbroidered with gold, and powdred with precious stones.

Then followed both my lords the ambassadors extraordinary of the King of Great-Britain, &c. clad in cloth of silver.

Then came the king of France, in a garment all imbroidered with gold and silver, holding the lady his sister in his right hand, who had a crowne upon her head, and her gowne powdered all over with flower-de luces of gold: and monsieur the king's brother on the other side, who led her in his left hand, being very bravely accoutred.

The queene mother followed next.

The queene herselfe, in a gown all imbroidered with gold, silver, and precious stones. The princesses of Conde and of County, bearing up the long traine of the same. The young lady of Montpensier. The Countesse of Soisons, Madame de Guise, Madame de Chevreuse, Madame de Elbeuf, with many lords and ladies, of whom I cannot now make rehearsall, the number of them was so great.

All this royall and generous troupe stayed at the entry of the great portall of the said church, before which was a place appointed to celebrate the marriage in, and whereon was raised a canopie of inestimable vallew, under which the king and monsieur his brother left the lady their sister, and consigned her into the hands of my lord the Duke of Chevreuse, and then my lord cardinall de la Roche Foucalt espoused the lady with the ordinary ceremonies of the church.

From thence all the orders abovesaid marched into the quier through a long gallerie, which was squared out by a line, in the midst of the body of the church, all covered with tapistrey, the richest that might be.

In the midst of the said quier were all ready placed, on the one side, upon eminent seate smy lords the presidents, having their morters of gold on their heads, and their scarlet robes lined with ermines, and the counsellors of the court of parliament in like gownes.

On the other side sate alone the provost of the merchants, in a long robe of crimson and violet velvet, being accompanied with the sherifes of the towne.

In the quier of the said church, was there moreover another floore raised three steps high, upon which was another great canopie, where the king, the queenes, and monsieur the king's brother, were placed and conducted by the fore-named Duke of Chevreuse and the ambassadors, who withdrew themselves into the archbishops pallace untill the service was ended, and then afterwards returned to the king and the queenes.

Prayers being done, they returned all in the like order as before into the archbishops pallace, where the whole court supped.

During which, was heard such a noise and thunder of cannon, as men would have judged that heaven and earth had joined together: in the like sort bonfires, squibes, and such like, were not spared throughout all the streetes; and it may well be verified that France never saw so much rejoycing.

And God I pray, who hath ever beene propitious unto us, maintaine our countrie in

her greatnesse, and graunt our king a glorious triumphe over his enemies, and a large extent of his dominions.

The Order of the Royall Feast.

The supper was kept in the archbishops great hall, and the table reached from the one end thereof unto the other.

The king sate in the midst of the table, served by my lord the great prior, who represented the great masters person, before him there marched a number of drums, trumpets, and clarions, accompanied with Monsieur de Beaumont, great steward of the king's house, and thirty-two other stewards of his majesties houshold, with their staves in their hands.

The meate was carried by my lords the princes, dukes, peeres, and marshalls of France, followed by the gentlemen of the court and their servants.

Monsieur de Joinville served as great pantler, Monsieur d' Elbeuf as cup-bearer, and my lord the Earle of Harcourt as carver.

The queene mother sat on the right hand of the king, served by my lords the Dukes of Belgrade, d'Uzzais and Luxembourg.

The queene herself sat on the right side of the queene mother, served by my lords the Dukes d'Alvin, Brisac, and de Chaune.

The queene of Great Britain sate on the king's left hand, served by the marshal de Vitry as great pantler, the marshall d'Aubeterre as cup-bearer, and my Lord of Bassompierre as carver.

My lord the Duke of Chevreuse sate next the queene of Great Britain, served by the Lord of Rochfort.

The extraordinarie ambassadors of Great Britaine sate next unto the aforesaid Duke of Chevreuse.

My lord the king's brother sat neere unto the queene, and next them all the princes, served in most magnificent and royall manner.

The King's Declaration, containing a Prohibition unto all his Subjects, to have any Traffique or Commerce with the Kingdom of Spain.

Published in the Parliament, the 12th of May.

Lewis, by the grace of God, king of France and of Navarre, to all unto whom these present letters shall come, greeting. Unto the complaints which have been made unto us, by many of our subjects traffiquing into Spaine, of a decree made the 2d of this month, by our most deare and well-beloved brother, and brother-in-law, the Catholique king, unto his officers, to seize upon and stay in all his ports and havens, the shippes, goods, and merchandize of the French (our subjects,) under pretext of reprisals of some summes of money, which our most deare and well-beloved cousin, the duke of Guise, our governor and lieutenant-generall in Provence, did make stay of certain barques, not far from Marseilles, as belonging to some Genoway merchants; as also because they haunted the desert havens of our said country of Provence, to the prejudice of our ordinances and provisions made by our court of parliament of Aix: The said king pretending that some part of the said money did appertain unto his subjects, (which is a thing not yet verified,) and part thereof unto the said Genowaies. Now, therefore, because it is a matter of great importance for our subjects' good, to prevent them from receiving any further losse or hinderance of such their seizure and detention of their ships and goods, as is ordained in Spaine, wherein there can be no better order taken, then a general interdiction of commerce in those places, where the mer-

chants our subjects, can no longer be at their libertie. We make it knowne, that having deliberated of this affayre in our councell, where was present our most honoured lady and mother, some princes of our blood, other princes and officers of our crowne, lords and notable personages of our sayed councell, with their advice, and of our own knowledge, full power, and royall authority, we have made, and do, by these presents, signed with our hand, make most expresse prohibition unto all our subjects, of what quality and condition soever they be, to have any traffique or commerce in the kingdom of Spaine, of any corne, wine, cordage; and generally neither to carry thither, transport or buy any merchandise whatsoever, upon pain unto the offenders, of the confiscation of their vessels and goods, and to be punished according to the rigour of our lawes: and this to continue untill a restitution be fully made of our subjects' goods seized upon in Spaine, or that by our letters patents we shall otherwise ordaine.

Wherefore, we charge and command all our loving and loyal officers in our courts of parliament, that they cause these our present letters to be read, published, and registered, and the contents thereof to be kept and executed each one apart, and our general procurors, or their substitutes, to make for the due execution of the same, all diligent and necessary persuite and inquirie.

And we give charge unto our governors, and our lieutenants-generall in our provinces, particular captaines and governors of our towns and places, chiefly those upon our frontiers, and the bayliffes, seneshals, and provosts of our most deare cousins, the constable and marshals of France, or their lieutenants, and unto all our justices, officers, and subjects, to assist unto the due execution of these presents: for such is our pleasure.

In witnesse whereof, we have caused our seale to be put unto these aforesaid presents.

Given at Paris, the 23d of Aprill, in the yeare of grace, 1625, and of our raigne the fifteenth.

LEWIS.

And upon the fowld, By the king.

De LOMENIE.

And sealed with the great seale of yellow waxe, upon double taile: and upon the fowld hereof is written:

Read, published, and registered in court, yea, and the king's atturney-generall requiring the same to be put in execution, kept, and observed according to their tennor and forme, and collected copies of the same to be sent to the bayliffes and seneshals of that jurisdiction, to be there likewise read, published, and executed by the diligence of the substitutes of the aforesaid generall-atturney, which he enjoyneth to certify the court hereof within the month. In the parliament at Paris, the 12th of May, 1625.

Signed Du TILLET.

Imprinted at Paris, 1625.

Cum Privilegio Majestatis.

Le Triomphe glorieux et l'ordre des Ceremonies observes au marriage du Roy de la Grand Bretagne, et de Madame sœur du Roy. Ensemble l'ordre tenu aux fiançailles faictes au Chasteau du Louure, en la Chambre de sa Majeste.

En fin le ciel propice a la France, a voulu ce qu'elle respire, il y a si long temps. Les nuages qui sembloient vouloir obscurcir son esclat, et qui avoient comme conspire de faire mourir le fruict en sa fleur, sont maintenant dissipez, and cette mauuaise influence est ancantie a ce coup, Dieu a permis par une volonte secrete, que les deux plus puissantes Cuuronnes de la Chrestiente soient unies ensemble, par le plus celebre mariage

qui se foit jamais veu dedans l'Univers. C'est donc aujourd'huy que tant de felicite, de gloire, et de bon heur ne promettent pas moins a nostre grand Roy, invincible Louys Le Juste, que l'Empire de tout le monde. Quel contentement a la France, et quel profit a la Grande Bretagne, de se voit unies si inseparablement, par un nœud plus indissoluble que le gordien, et par une amitie mieux cimentee que les murs Babiloniens fondez par Semiramis? Il n'y a point d'ennemis assez forts pours esbranler jamais deux Royaumes si florissans, que puisent leur grandeur de ciel, et borner leur puissance de toute la terre. Resiouissons nous donc, bons François, a ceste heure que les adversaires de l'Estat tremblant de peur et de crainte, ont leur ame affligee d'une si belle alliance. Mais pour en laisser la memoire eternelle, et la donner en depost a la posterite. Je veux descrire icy le plus succintement qu'il me sera possible, les magnificences, les triomphes, et l'ordre veritable de cet heureux marriage.

Le Ieudy huictiesme jour de May, le Roy, paroissant dedans sa chambre comme un beau soleil qui luit au dessus de tous les autres astres, ayant avec luy la royne seconde lumiere, Monsieur son frere unique, Messieurs les ducs de Nemours et d'Elbœuf, Mareschaux de Vitry et de Bassom-pierre, et autres Seigneurs de la Cour, envoya querir Madame, qui y fut assistee par la Royne sa mere, Mesdames les Princesses de Conde et de Conty, Mesdames les Duchesses de Guyse, de Chevreuse, et d'Elbœuf, et plusieurs autres grandes dames. Sa robe estoit de toile d'or et d'argent toute parsemee de fleurs de lys d'or, et enriche de plusieurs diamants, et autres pierres precieuses. La queue de la dite robe estoit portee par Madamoiselle de Bourbon.

Comme elle fut entree dedans la chambre du roy avec une majeste digne de sa naissance, Messieurs les Comtes de Carlile, et Milor Holand, ambassadeurs pour le roy de la Grand' Bretagne, y entrerent aussi tost, vestus avec le plus bel advantage qui se puisse dire; donnant au roy le contract de mariage, qui fut leu tout haut par Monseigneur le Chancelier, apres que sa majeste eut agree les convenances. Les ambassadeurs se retirent en la chambre de Monseigneur le Duc de Chevreuse, au dessus de celle du roy, et luy ayant fait entendre les accords. Il fut trouver aussi tost sa majeste, accompagne des dits sieurs ambassadeurs et plusieurs autre sseigneurs de marque, estant vestu d'un habit noir a bandes toutes garnies de diamants, et les fer d'aiguillettes en estoient enrichis.

Arrive devant sa majestie il luy presenta sa procuration et le pouvoir que luy avoit donne le roy de la Grande Bretagne, qui fut inceree au bout du dit contract de mariage, que le roy signa, Madame, les Roynes, Monseigneur le Duc de Chevreuse, et Messieurs les ambassadeurs. Cela fait et arreste, Monsieur le Cardinal de la Roche-foucault fit les fiançailles a la maniere accoustumee.

Comme une telle union ne se pouvoit pas paracheuer sans de grandes pompes, et d'infinies reisjouissances.

L'Eglise de nostre-dame fut choisie pour les ceremonies de l'accomplissement du mariage, et fut toute tendue de riches tapisseries, tissues de soy, d'or et d'argent.

L'on esleva environ de huict pieds de terre, une belle et longue gallerie, qui prenoit son commencement des l'entree de la maison archi-episcopale, et se venoit rendre a l'entree du Cœur de la dite eglise. Elle estoit soustenue de plusieurs pilliers, couverte par le haut de satin violet, tout brode de fleur de lys d'or, et par le bas d'une belle toile de liq ciree, par dessus laquelle passerent toutes les ceremonies du mariage, comme il s'ensuit.

Premierement, les cent Suisses des gardes du corps du roy, vestus des livrees de sa majestie, le tambour battant, et l'enseigne desployee.

Douze haut bois vestus de semblables livrees qui ravissoient par leurs sons agreables les ames par les oreilles.

Huict tambours couverts de pareilles parures battoient si furieusement que les courages les moins hardis s'animoient au bruit d'un tel tintamarre.

Dix trompettes faisoient sauter de joye et d'alegresse les cœurs dedans les corps.

Monsieur de Rhodes grand maistre des ceremonies marchoit apres tout cela, vestu a l'advantage et fort bien accompagne.

Apres luy Messieurs le Chevaliers de l'Ordre du S. Esprit tous brillans de pierreries.

Sept herauts d'armes alloient en suitte avec leur cottes de velours rouge cramoisy fleurdelisees d'or.

Messieurs de Vitry et de Bassompierre, mareschaux de France.

Monsieur le Duc d'Elbœuf.

Monseigneur le Duc de Cheureuse, vestu d'un habit de drap noir tout couppe et d'ouble de toile d'or avec une tocque aussi de velours noir, sur sa teste une enseigne qui esblovyssoit la veue par son esclat, une escrape toute couverte de roses de diamants, un capot tout brode d'or et seme de pierreries.

Messieurs les deux ambassadeurs extraordinaires, tous deux couverts de toile d'argent batu avec la toque.

Le Roy avec un habit tout en broderie d'or et d'argent, tenant a sa main droit madame, qui avoit une couronne sur la teste, et sa robe toute parsemee de fleurs dely de d'or.

Monsieur de l'autre coste qui la tenoit de sa main gauche, aussi superbement vestu.

La Royne mere.

La Royne couverte d'une robe toute brodee d'or, d'argent et de pierreries.

Mesdames les Princesses de Conde et de Conty, portans la longue queue de la dite robe.

Madamoiselle de Mont-pensier.

Madame la Comtesse de Soissons.

Madame de Guyse.

Madame de Cheureuse.

Madame d'Elbœuf.

Et tous les autres Seigneurs et Dames de la Cour que je ne peux specifier par le menu, tant le nombre estoit grand.

Toute ceste royale genereuse troupe s'arresta a l'entree du grand portail de ladite eglise au devant duquel estoit un grand parterre destine pour faire le mariage, et ou estoit esleve au dessus un grand poesle d'une valeur instimable, sous lequel le Roye et Monsieur son frere quitta Madame, la mirent entre les mains de Monseigneur le Duc de Cheureuse, et alors Monsieur le Cardinal de la Roche-foucault espousa Madame, avec les ceremonies ordinaires de l'Eglise.

De la tout l'ordre cy-dessus s'en alla dedans le cœur par une longue gallerie qui estoit allignee au milieu de la Nef de l'Eglise toute couverte de tapisserie, la plus belle qui se peust jamais voir.

Au milieu du dit cœur estoient des-ja placez d'un coste en des sieges eminents, messeigneurs les presidents ayant leur mortier d'or sur la teste vestus de leur robes d'escarlates doublees d'hermines, et Messieurs le Conseillers avecques de semblables robes.

De l'autre coste paroissoit a part Monsieur le Provost des Marchands, couvert d'une longue robe de velours rouge cramoisoy et violet, assiste des Eschevins du corps de ville.

Dans le cœur de ladite Eglise estoit esleve de trois marches un par-terre, au dessus duquel estoit un autre grand poesle, ou le Roy, les Roynes, et Monsieur furent placez, et conduits par lesdits Duc de Chevreuse et Ambassadeurs, lesquels se retirent a l'Archeuesche jusqu'a ce que le service fut acheve, puis y retournerent trouver le Roy et les Roynes apres la fin de l'office.

Leurs oraisons finies, ils s'en retournerent au mesme ordre dedans l'Archeuesche, ou toute la cour soupa.

Et puis en mesme temps, l'on ouyt un tel bruit des coups de canons qui se tirerent, que l'on eust dit que la terre et le ciel se vouloient joindre ensemble.

Les feus de joye et d'artifices se firent par toutes les rues, et l'on peut dire avec verite, que jamais la France n'eust plus de resiouyssances.

Dieu qui luy a este tousiours favorable la maintienne en sa grandeur, et face que son grand roy triomphe glorieux de tous ses ennemis et borne ses terres de l'enclos de tout le monde.

L'Ordre du festin Royal.

Le soupper fut dans la grand' salle lambrissee de l'Archeuesche, et la table tenoit d'un bout a l'autre.

Le roy estoit au milieu de la table, seruy par Monsieur le Grand Prieur, representant Monsieur le grand maistre, devant luy marchoient nombre de tambours, trompettes et clairons, accompagne de Monsieur de Beaumont premier maistre d'hostel, et trente-deux Maistres d'Hostel, tous le baston a la main.

La viande estoit portee apres eux par Nosseigneurs les Princes, Ducs, Pairs, et Mareschaux de France, suivis des gentils-hommes de cour and servans. Monsieur de Joinville servoit de grand panetier; Monsieur d'Elbeuf d'Eschanson, et Monsieur le comte d'Arcourt d'Escuyer tranchant.

La Royne Mere au coste droict du Roy, servie par Messieurs le Ducs de Bellegarde, d'Vzais et Luxebourg.

La Royne sur le coste droict de la Royne Mere servie par Messieurs le Ducs d'Aluin, Brissac, et de Chaune.

La Royne d'Angleterre a coste gauche du roy, servie par Messieurs les Mareschaux de Vitry, comme grand panetier; Monsieur le Mareschal d'Auloterre Eschanson; et Monsieur de Bassompierre Escuyer trenchant.

Monsieur le Duc de Cheureuse sous la Reyne d'Angleterre seruy par le Sieur de R.

Les ambassadeurs extraordinaires d'Angliterre pres dudit Sieur de Cheureuse.

Monsigneur frere de sa majeste estoit assis aupres de la Royne, et toutes les Princesses a la table, qui fut seruy avec quantite de services autant magnifiques splendides et royaux.

Declaration du Roy, portant defenses a tous ses subjets de faire aucun traficq ny commerçe au Royaume d'Espagne.

Publiee en Parlement le douziesme, May 1625.

Lovis par la grace de Dieu, Roy de France et de Navarre, A tous ceux qui ces presentes Lettres verront, Salut. Sur les plaintes qui nous ont este faictes de la part de plusieurs de nos subjets traffiquans en Espagne, d'une Ordonnance decernee le deuxiesme de ce mois, par nostre-tres-cher et tres-ame bon frere et beaufrere le Roy Catholique, a ses officiers, pour faisir et arester en ses ports et haures les navires, effects et marchandises des François nos subjets, sous pertexte de represailles de quelque somme d'argent que nostre tres-cher et bien-ame Cousin le Duc de Guyse, Governeur et nostre Lieutenant general en Province a faict arrester dans des barques es environs de nostre ville de Marseille, comme appertenans a des marchands Geneuois, aussi qu'ils alloient dans les ports des-habitez de nostredit pais de Provence, au prejudice de nos Ordonnan-

ces, et des Arrests de nostre Cour de Parlement d'Aix: Pretendant ledit Roy, que partie dudit argent appartient a ses subjets (chose qui n'a point este verifice) en partie aux Geneuois. Et d'autant qu'il importe pour le bien de nos subjets, d'empescher qu'ils ne puissent recevoir plus grande perte et dommoge de la saisie et detention de leurs navires et biens, qui est ordonnee en Espagne: a quoy il ne peut estre plus convenablement pourneu, que par une interdiction generale du commerce au lieu ou les marchands nos subjets ne sont plus en liberte: Scavoir faisons, Qu'ayant mis cet affaire en deliberation en nostre Conseil, ou estoient la Royne nostre treshonoree Dame et Mere, aucuns Princes de nostre Sang, autres Princes et Officiers de nostre Couronne, Seigneurs et notables personnages de nostredit Conseil: De l'advis d'iceluy, et de nostre certaine science, pleine puissance et auctorite Royale, Nous avons faict et faisons par ce presentes signees de nostre main, tres-expresses inhibitions et defenses a tous nos subjets de quelque qualitie et condition qu'ils soient, de faire aucun trafficq ny commerce au Royaume d'Espagne, de Bleds, Vins, toyles, cordages: et generalement d'y mener, conduire, transporter ny achepter aucunes marchandises de quelque qualite que ce soit, sur peine aux contrevans de confiscation de leurs marchandises, vaisseaux et effects, et d'estre punis et chastiez selon la riguer de nos ordonnances, et se jusques a ce que la main levee des effects saisis en Espagne sur nos subjets, aye este pleinement donnee, et que par nos lettres patentes nous en ayons autrement ordonne. Si donnons en mandement a nos amez et feaux les gens tenans nos cours de parlements, que ces presentes ils facent lire, publier et enregistrer, et le contenue en icelles, garder et executere exactement chacun endroit soy, et a nos Procureurs generaux ou leurs substituts, de faire pour l'execution d'icelles, toutes poursuites et diligences requises et necessaires. Mandons aussi aux gouverneurs et nos lieutenants generaux en nos provinces, captaines et gouverneurs particuliers de nos villes et places, mesmes celles qui sont sur nos frontiers, baillifs seneschaux, prevosts de nos tres chers cousins le conestable et mareschaux de France on leurs lieutenans, et a tous autres nos justiciers et officiers et subjets, de tenir la main a l'execution de ces presentes; Car tel est nostre plaisir. En tesmoin de quoy, nous avons faict mettre seel a cesdites presentes.

Donne a Paris le vingt troisiesme jour d'Auril, l'an de grace mil six cens vingt-cinq. Et de nostre regne le quinziesme, signe LOVIS. Et sur le reply, Par le roy, De Lomenie.

Et scellees du grand sceau de cire jaune sur double queve. Et sur ledit reply est escrit.

Leues, publiees et registres es registree d'icelle: Ouy, et cerequerant le procureur general du roy, pour estre executees, gardees et observees selon leur forme et teneur, et copies collationnees d'icelles envoyees aux bailliages et seneschaussees de ce ressort, pour y estre pareillement leues, publiees, registrees et executees a la diligence des substituts dudit procureur general ausquels enionct d'y tenir la main, et d'en certifier la cour avoir ce faict au mois. A Paris en parlement le douziesme jour de May mil six cens vingt-cinq.

Sisine,

Du Tillet.

The Danger wherein the Kingdome now standeth, and the Remedie. Written by Sir Robert Cotton, Knight and Baronet, in January, Anno Domini 1627.

The celebrated Sir Robert Cotton was not more renowned as an antiquary, than as an enlightened patriot. He joined in the complaints of the grievances, which were agitated in King Charles's first parliament; but his expressions were so decorous, and the remedies which he recommended so temperate, that, in January 1627, he was summoned before the king and council, to deliver his opinion as a lawyer and historian, upon the measures to be pursued in that important crisis. The following treatise contains the sum of the advice which he then delivered: It is grounded, so far as foreign powers are concerned, upon a jealousy of the increasing strength of the Austrian monarchy; and in domestic affairs it recommends the speedy calling a parliament, as the only legitimate mode of raising supplies for the exigencies of the crown. —See COTTONI *Posthuma*. p. 308. Upon the considerations herein laid before them, the king and council, 29th January, 1627, determined to summon that parliament, which met on the 17th March following.

As soone as the house of Austria had incorporated it selfe with Spaine, and by their new discoveries gotten to themselves the wealth of the Indies, they began to affect and have ever since pursued a first monarchy.

The emperour Charles the Fift would first lay the foundation thereof in Italy, by surprising Rome; from this hee was thrust by the force and respect of religion; Henry the Eighth being made *caput fæderis* against him. He then attempted it in High Germany, practising it by faction and force to reduce them, first to pettie states, and so to his absolute power. Thus Henry the Eighth againe prevented him, by tying the Lutheran princes under his confederacie and assistance. His sonne, the second Philip, pursued the same ambition in the Nether Germany, by reduction whereof hee intended to make his farther way into the other. This the late queene of England interrupted, by siding with the afflicted people on the one part, and making herselfe the head of their protestants league with the princes on the other; drawing in as a secret of state the countenance of France, to give the more reputation, and assistance to them, and security to itselfe.

Spaine seeing his hopes fruitlesse by those unions and straights, began first to breake if hee may the amitie of France and England; but finding the common danger to bee a fast tye, hee raised up in that kingdome a faction of his owne, by which the French king was distressed, that had not the English counsell and assistance relieved him, Spaine had there removed that next and greatest obstacle of his ambition; his counsell now tels him from these examples, that the way to this great worke is impassable, so long as England layes a net in his way; and the remove of that must bee the first of his intents.

This drew on those secret practises often against the queene, and his open furie in 88. against the state; which shee seeing by following the advice of a free counsell, would never after admit of peace, winning thereby the hearts of a loving people, who ever found hands and money at home, and keeping sacredly her aliances abroad, secu-

ing to her confederates all her time, freedome from Spanish flattery, and so ended her old and happy dayes in glory.

Spaine then, by the wisdome and power of that great lady, dispoiled of his meanes to hurt, though not of his desires, makes up with her peacefull successour of happie memory, that golden league,[1] that discerning us at home by opinion of securitie, and giving them a power in our counsell by believing their friendships, and pretented marriages, gave them a way to cherish amongst us a partie of their owne beliefe, of power abroad to leade in jealousie, and sow division betweene us and our confederates, by which we see they have swallowed up the fortune of our masters brother,[2] with the rest of the imperiall states; distressed the K. of Denmarke, by that quarrell, diverted the Swedens assistance by the warres with the Pole, and maining him now with the ofer of the Danish crowne. And now, whether from the plot, or our fatalitie, it hath cast such a bone betweene France and us, as hath made themselves, by our quarrell of religion, a fast confederate, and us a dangerous enemy;[3] so that now wee have left no other assurance against their malice and ambition, but the Netherlanders, where the tie of mutuall safety is weakened, by daily discontents bred and fed betweene us, from some ill affected to both our securities; that by the doubtfulnes of friendship, as we now stand, wee may rather suspect from our own domesticke faction, if they grow too furious, they will rather follow the example of Rome in her growing, that held it equally safe, honorable, and more easie *dare regem*, than *subjugare provinciam*, considering the power they have in their hands, than to give any friends assistance to serve the present condition of our state.

You may therefore see in what tearmes wee stand abroad, and I feare me at home for resistance in no better state: There must be to withstand a forraine invasion, a proportion both of sea and land forces; for to give an enemy an easie passage, and a port to relieve him in, is no lesse than to hazard all at one stake; and it is to be considered, that no march of land can be of that speed to make head against the landing of an enemy, nor no such prevention as to bee master of the sea: To this point of necessarie defence, there can be no less than 24000 for the land forces: if it were for an offensive warre, the men of lesse livelihood were the best spared, and were used formerly to make such warre, *Purgamento Repub.* if wee made no farther purchase by it: and for a safetie of a common-wealth, the wisedome of all times did never interesse the publique cause to any other, than such as have a portion in the publique adventure, and that we saw in 88 when the care of the queene and counsell did make the body of that large army no other than the trayned band with which the auxiliaries of the whole realme amounted to no lesse than 24000 men; neither was any of these drawne forth from their countries and proper habitations before the end of May, that there must bee no long agrievance to the publique: such discontentments being even to us a more fatall enemy than any forraine force: the carefull distribution and direction of their sea and land forces, being more fitting for a counsell of warre, than a private man to advise of, I passe it over, yet willing when I shall be called humbly to offer uppe such observations as I have formerly gathered by the former like occasions in this realme.

To make up this preparation, there is requisite two things; Money and affections, for they cannot be properly severed.

It was well and wisely said of the great counsellor the lord Burleigh, in the like case to the queene, win hearts and you have their hands and purses. And I finde

[1] The epithet *golden* is ironically used, to distinguish the means by which that peace is said to have been procured.

[2] The unfortunate prince Palatine, titular king of Bohemia.

[3] Alluding to the war with France, undertaken by the English, in aid of the Huguenots.

that of late, diffidence having bin a defect in the one, it hath unhappily produced the other.

In gathering then of money for this present need, there is requisite three things, speed, assurance, and satisfaction; and the way to gather as others in the like case have done, must be by that path-way that is called *Via Regia*, being more secure and speedy; for by unknowne and untrodden wayes it is both rougher and tedious, and seldome succeedeth: This last way,[1] although it tooke place as it were by a supply at first, and received no generall deniall; yet since it hath drawne many to consult with themselves and others in the consequence, and is now conceived as a pressure on their liberties and against law; I much feare, if now againe it bee offered eyther in the same face, or by privie seale, it will bee refused wholly; neyther finde I it that the restraint of those recusants have produced any other effect than a stiffe resolution in them and others to forbeare: besides, although it went at first with some assurance, yet when wee consider your commissions, and other formes incident to such like services, that how long it hangs in hand, the many delayes that wee may easily see, that such a summe by parliament granted is farre sooner and more easily gethered.

If any make the successions of time, to produce an inevitable necessitie to inforce it; if denied, whether in generall, or by excise, or by imposition, or particular in some select persons, which is the custome of some countries, and so conclude it as therefore the publique state *Suprema Lege*, hee must looke for this to bee told them; that seeing necessitie must conclude alwayes to gather money as lesse speedy or assured, than that so practised, which cannot be fitter than by parliament, the successe attendeth the humour of the heedlesse multitude, that are full of jealousie and distrust, and so unlike to comply to any usuall course of leavie but by force; which if used, the effect is feare-full, and hath beene fatall to this state: whereas that by parliament resteth principally on the regall person, who may with ease and safety mould them to his fit desires, by a gracious yielding to their just petitions.

If a parliament then be the most speedy, assured, and safe way, it is fit to conceive what is the fairest way to act and worke it to the present neede: first, for the time of the usuall summons, reputed to bee 40 dayes, to bee too large for this present necessity; it may bee by the dating of the writs lessened, since it is no positive law, so that care be had that there bee but one county day; if then, the same to bee leavied bee once agreed of for the time, in the body of our graunt there may be assignement made to the knights of every shire and county respectively, who under such assurance may safely give security proportionable to the receipts, to such as shall advance in present for the publique service any summes of money.

The last and weightiest consideration, if a parliament be thought fit, is how to remove or comply the differences betweene the king and the subjects in their mutuall demaunds; and what I have learned amongst the better sort of the multitude I will freely declare, that your lordships may be more enabled to remove and answere those distrusts, that either concerne religion, publique safety of the king and state, or the just liberties of the common-wealth: for religion is a matter that they lay neerest to their conscience, and they are led by this ground of jealousie to doubt some practise against it: First, for that the Spanish match was broken by the gratefull industrie of my lord of Buck. out of his religious care; as there hee declared, that the articles there demanded, in some such sufferance as may endanger the quiet, if not the state, of

[1] Sir Robert Cotton alludes to the measure of a general loan from the subject, resorted to in 1626, to raise money for maintaining the French war. Each was taxed according to the rate at which he stood enrolled in the last subsidy rolls, and those who refused to comply with the ordinance, were very arbitrarily treated. The recusant gentry were bound over, by recognisance, to appear at the council table; the meaner sort were impressed, and sent aboard the navy, and all the other measures taken to prosecute the design were such as justly rendered it most odious.

the reformed religion heere.[1] Yet there have been (when hee was a principall actor in the conditions of France) as hard, if not worse, to the preservation of our religion passed, than those with Spaine; and the suspect is strengthened, by the close keeping of his agreements, in the point there concluded.

It is no lesse argument of a doubt to them of his affections, in that his mother and others, many of his ministers in neere imployment about him are so affected, they talke much of his advancing men papistically devoted so placed in the campe of neerest service and chiefe command; and that the recusants have got these late yeares, by his power, more of courage (than assurance) than before. If to cleere these doubts (which perhaps are worse in fancy than in truth) hee take a course, it might much advance the publique service against the squeamish humours that have more a violent passion than settled judgement, and are not the least of the opposite number in the commonwealth.

The next is the late losses, misfortunes, and losses both of men and munition, and how in our late undertakings abroad; which the more temperate spirits impute to want of counsell, and the more sublime wits to practice.

They began with the Palatinate, and lay the fault of the losse there on the improved credite of Gondamor, distrusting him for the staying of supplies to Sir Horace Veere,[2] when collonell Cecill was cast on that imployment; by which the king of Spaine became the master of the kings childrens inheritance: And when count Mansfield had a royall supply of forces to assist the princes of our part for the recovery thereof, eyther plot or errour defeated the enterprise for us to Spaines advantage:[3] That Sir Robert Mansell's expedition to Algiers,[4] should purchase only the security and guard of the Spanish coasts: To spend so many 100000 l. in the Cales voyage[5] against the advise of the parliament, onely to warne the king of Spaine to bee in a readinesse and so weaken our selves, is taken for such a signe of ill affection to him amongst the multitude: The spending of so much munition and victuals, and money, in my lord Willoughbies journey, is conceived an unthriftie error in the director of it, to disarme our selves in fruitlesse voyages, may (to some over curious) seeme a plot of danger, to turne the quarrell of Spaine our auncient enemy; that the parliament peticioned and gave supply to support upon our allies of France, and so some after (anew and happily) gave much talke, that wee were not so doubtfull of Spaine as many wish since. It was held not long agoe a fundamentall rule of theirs and our security, by the old lord Burleigh, that nothing can prevent the Spanish monarchie, but a fastnesse of the two princes whose amitie gave countenance and courage to the Netherlanders and German princes to make head against his ambition; and we see by this disunion a fearefull defeat hath

[1] This is spoken ironically, and it may be questioned, whether Cotton actually delivered himself in such language before the duke, during the plenitude of his power. Nothing indeed could be more ludicrous than Buckingham's public professions in the parliament of 21st James I. in which he gave his own zeal for the protestant religion the full credit of the breach of the match with Spain; although for the time the pretence was received both by the people and the parliament.

[2] Sir Horace Vere commanded, in 1620, a small but gallant body of English troops, sent to aid the prince Palatine in maintaining himself in Bohemia, but they were not supported by reinforcements, and were suffered, after a single campaign, to moulder away on garrison duty. Gondamore's influence was generally believed to delay the supplies which should have been sent from England.

[3] The celebrated Mansfield, who long supported the affairs of the prince Palatine, came to England in 1624, to solicit succours. Six regiments, amounting in all to 12,000 men, were levied and embarked for this purpose; but not being suffered to land in Brabant, disease made such havoc amongst them, that more than one half died, and the rest never achieved any remarkable service.

[4] Wilson the historian plainly says, "that Gondamore, by his artifices and negotiations, got Sir Robert Mansel, the vice admiral, to go into the Mediterranean sea with a fleet of ships, to fight against the Turks at Algiers, who were grown too strong and formidable for the Spaniard."—*History, James I. ad annum*, 1620.

[5] A feeble attempt was made to surprise the plate-fleet in the bay of Cadiz, in 1625; but it proved unfortunate, and even dishonourable to the English arms.

happened to Denmarke,[1] and that party to the advantage of the Austrian family, and thus farre of the waste of publique treasure in fruitlesse expeditions, and an important cause to hinder any new supply in parliament: another feare that may disturbe the smooth and speedie passing of the kings desire in parliament, is the late waste of the kings livelyhood, whereby is like, as in former times, to arise this jealousie and feare, that when he hath not of his owne to support his ordinarie, for which the lands of the crowne were settled unalterable, and called *sacri Patrimonium Principis*, that then hee must of necessitie rest to those assistances of the people, which ever were collected and consigned for the common-wealth: from hence it is like there will be no great labour and stiffenesse to enduce his majestie to an act of resumption, since such desires of the state have found an easie way in the will of all princes from the 3. Hen. to the last; but that which is like to passe the deeper to their disputes and care, is the late pressures they suppose to have beene done upon publique liberties and freedome of the subject, in commanding their goods without assent by parliament, confining their persons without especiall cause declared, and that made good by the judges lately, and pretending a writ to commaund their attendance in a forreigne warre; all which they are like to enforce as repugnant to many positive lawes and customary immunities of this common-wealth; and these dangerous distrusts to the people are not a little improved by his unexampled course, as they conceive an inland armie in winter season, when former times of greatest feare produced no such, and makes therein their distracted feare, to conjecture idly, it was raysed wholly to subject their fortunes to that will of power, not of law, and so make good some farther breach upon their liberties and freedome at home, than to defend from any force abroad: how farre at home such jealousies (if they met with any unusuall disorder of lawlesse souldiers) or unapt distemper of the loose and needy multitude, which will easily turne away upon any occasion, in the state they can side with a glorious pretence of religion and publique safetie, when their true end will bee onely rapine of the rich (and ruine of all) is worthy a provident and preventing care.

I have thus farre delivered that (that which freedome you pleased to admit such difficulties as I have taken up amongst the multitude) which may avert if not remove impediments to any speedy supply in parliament at this time, which how to facilitate may better become the care of your lordships judgement than my ignorance; only wish, that to remove away a personall distast of my lord of Buck. amongst the people, hee might be pleased, if there bee a necessitie of parliament, to appeare a first adviser thereunto,[2] and what satisfaction it shall please his majestie of grace to give at such time to his people, which I would wish to be grounded with present of his best and fortunate progenitors, and which I conceive will largely satisfie the desires and hopes of all, if it may appeare in some sort to be drawn downe from him to the people, by the zealous care and industry that my lord of Buck. hath of the publique unitie and content, by which there is no doubt, but hee may remaine not only secure from any farther quarrell with them, but merit happy memory amongst them of a zealous patriot, for to expiate the passion of the people at such time with sacrifice of any of his majesties servants, I have ever found (as in Edward II. Richard II. Henry VI.) no lesse fatall to the master than the minister in the end.[3]

[1] 26th August, 1626, Tilly, the imperial general, defeated the king of Denmark and his confederates, aided by an auxiliary English army, near Lutern.

[2] Buckingham took this advice accordingly; for, in a message from the king to the subsequent parliament, in which he vindicates his favourite from speaking certain alledged malicious words at council board against the parliament, he adds, "had the duke so spoken he should have contradicted himself; for all of the council can tell, he was the first mover and persuader of this assembly of parliament to the king."

[3] Although Buckingham escaped from the bursting of the popular storm, by a violent and sudden death, Strafford's fate added a notable example of the justice of Sir Robert Cotton's observation.

A Letter written to the Lower House of Parliament, by Sir John Suckling.

This letter refers also to the third parliament of Charles I. summoned agreeably to the advice given by Sir Robert Cotton to the king and council. It contains a detailed and spirited statement of the various arbitrary grievances under which the subjects then laboured.
As Sir John Suckling was a steady loyalist, and afterwards a sufferer in the cause of Charles I. there is little room to suspect his statement of undue or inflammatory exaggeration.

To my noble Friends in the Lower House of Parliament.

If my country had held me worthy to have served in this parliament, I had now been a member of your lower house, as formerly I have been in sundry other parliaments: But how unkindly soever she dealeth with me, I will ever shew my thankfulness to her, and deliver, by way of observation, what I have heretofore learned in that grave and wise assembly, for admonishment to the elder, and a path-way for the younger to walk in.

Parliament, in my time, have been wont to take up some space at the first meeting to settle the house, and to determine of unlawful elections, and in this point they never had greater cause to be circumspect than at this time; for, by an abuse lately crept in, there is introduced a custom, which, if it be not foreseen and prevented, will be a great derogation to the honour, and weakening to the power of the house, where the law giveth freedom to corporations to elect burgesses, and forbideth any indirect course to be taken in their election; many of the corporations are become so base-minded and timorous, that they will not hazard the indignation of a lord lieutenant's letter, who underhand sticks not to threaten them with the charge of a musket, or a horse in a muster, if that he hath not the election of the burgesses, and not they themselves.

And commonly those that the lords recommend, are such as desire it for protection, or so ignorant of the place that they serve for, as there being occasion to speak of the corporation for which they are chosen, they have asked there neighbours sitting by, whether it was a sea or a land town?

If you seek not to prevent this kind of choice, these mischiefs will follow.

The freedom of the subject will be lessened.

The privilege of corporations will be abrogated.

Men outlawed, and law-breakers will be the law-makers. The voices of the house shall be at the dispose of the lords of the upper house, and the assembly of the commons will be made needless; gentlemen of far remote countries may spare their labour to come up; for their no's shall be contradicted with two yea's, and that by such men, if they be examined, as are not liable to taxes or subsidies, loans, or other payments; they shall enjoy their ends, to wit, liberty and freedom, during the time of parliament, and the lords dispose of such laws as they shall propose.

2. The next thing that is required is the liberty of speech, without which, parliaments have little force or power: Speech begets doubts, and resolves them, and doubts in schools gets understanding; he that doubts much asketh often, and learns much, and he that fears the worst, soonest prevents a mischief.

This privilege of speech is anciently granted by the testimony of Philip Comines, a stranger, who prefers our parliaments, and the freedom of the subject in them, above all other assemblies, which, if it be broke or diminished, is negligently lost since the days of Comines.

If freedom of speech should be prohibited, when men with modesty make repetition of the grievances and enormities of the kingdom, when men shall desire reformation of wrongs and injuries committed, and have no relation of evil thought to his majesty, but with open heart and zeal express their dutiful and reverent respect to him and his service; I say, if this kind of liberty of speech be not allowed in time of parliament, they will extend no further than to a quarter-sessions, and their meetings and assemblies will be unnecessary; so all means of disorder now crept in, and all remedies and redresses, will be quite taken away. [1]

As it is no manners to contest with the king in his election of counsellors and servants (for kings obey no men, but their laws) so were it a great negligence, and part of treason, for a subject not to be free in speech, against the abuses, wrongs and offences, that may be occasioned by persons in authority, what remedy can be expected from a prince to the subject, if the enormities of his kingdom be concealed from him, or what king so religious or just, in his own nature, that may not hazard the loss of his subjects, without this liberty of speech in parliament? For such is the misfortunes of most princes, and such is the unhappiness of subjects, where king's affections are settled, and their loves so far transported to promote servants, as they only trust and credit what they shall inform.

In this case, what subject dares complain, or what subject dares contradict the words or actions of such a servant, if it be not warranted by freedom of a parliament, they speaking with humility? For nothing obtaineth favour so much with a king as diligent of obedience. The third surest, and safest way betwixt the king and his people, and least scandal of partiality, is, with indifference, with integrity and sincerity, to examine the grievances of the kingdom, without touching upon the person of any man, further than the cause giveth occasion; for otherwise, you shall contest with him that hath the prince's ears open to hearken to his enchanted tongue; he informs secretly when you shall not be admitted to excuse; he will cast your deserved malice against

[1] The following quotation from a zealous follower and advocate of the royal cause will shew how deeply this important privilege was infringed:—

"However from hence it was, that his majesty cast his thoughts not only upon supplying himself with treasure, in order to the securing the government and seas from foreign enemies; but how to vindicate his regall authority at home, by calling to account, soon after the dissolution of the last parliament, those gentlemen that had done violence in the house of commons, unto that chaire. And as men most active in that unruly work, he questioned Mr Hollis, Sir John Elliot, Sir Henry Hamnond, Sir John Hubbert, Mr Selden, Corriton, and others; all faulty of some unbecoming words or actions. They would have defended themselves, by their pretending privilege of not answering elsewhere, for what they did in that house: but by his majesty in councill, they are committed unto several prisons, and they sue out their habeas corpus's; they offered to give bayle, but not security, for their good behaviour; and in the king's bench they plead likewise, that what they had done, was done in parliament, and therefore there only accountable. The judges assert the jurisdiction of their court to hear the cause, replying, that some offences, committed in parliament, were punishable out of parliament; for, though it was true, that that which was done by all the house, and which only concerned the house, was not questionable in any inferior court; yet particular men's offences and exorbitances were in such cases as this a violation of the chair, very questionable;' and they added, that 'the court's demand of surety was an act of jurisdiction, not law, being in prevention of danger to be done to the common-wealth.' And thus being over-ruled in their plea, they were sentenced upon a *nihil dicit*, and to be imprisoned during his majesty's pleasure; and they were severely fined: upon payment of which fine, they were to be released from their imprisonment."—Sir Philip Warwick's *Memoirs*, p. 55.

The examples there quoted, took place after this parliament was dissolved; but there were too many preceding examples to justify the complaint of the letter-writer.

Sir John Elliot and Sir Dudley Digges in particular, were imprisoned for the vehemence with which they had pressed the accusations against Buckingham.

him to your contempt against the king, and seeking to lessen his authority, he will make the prince the shield of his revenge.

These are the sinister practices of such servants to deceive their sovereigns. When these grievances shall be authentically proved and made manifest to the world, by your pains to examine, and freedom to speak, no prince can be so affectionate to a servant, or such an enemy to himself, as not to admit of this indifferent proceeding; if his services be allowable and good, they will appear with glory; if bad, your labours shall deserve thanks, both of prince and country. When justice shall thus shine, people will be animated to serve their king with integrity, for they are naturally inclined to imitate princes, in good or bad; the words of Cicero will then appear, That malicious and evil men make princes poor, and one perfect good man is able to make a realm rich.

One case I will instance that is common in the mouths of all people, and generally *(vox populi, vox dei est)* if one quality, in the last expedition to the isle of Rhee, endeavoured to conceal the number of men lost in the last encounter, and confidently affirmed their number not to exceed three or four hundred, until a doctor of physic, out of tenderness of conscience, and duty to his majesty, could not dissemble the vulgar and true report, but acquainted his majesty of two thousand of his subjects there lost.[1] This was so contrary to the first information, and so displeasing to the informer and his designs, that he caused the physician's remove from his highness's presence, who yet remains in kind of a banished man.

The truth of these two reports is easily determined by the clerks of the bands of each company, and is worthy to be discovered for truth-sake; truth being so noble of itself, as it will make him honourable that pronounceth it; lies may shadow it, but not darken it; they may blame, but never shame it.

By this small precedent his majesty shall see himself abused, and it may be a means for him to reflect both upon men and matter. The men slain are no less injured by concealing their names, whose lives were lost for king and country.

The Romans would have held it the highest honour for their friends and posterity so to die. And the parliament may fear that those that stick not so palpably to wrong a king, may as unjustly cast aspersions upon the house, and other his loving subjects.

There is no remedy left for these mis-reports but a freedom of speech in parliament; for there are no wise man that speaks, but knows what and when to speak, and how to hold his peace, whilst subjects tongues are ty'd, for fear they may reach him a rap whose conscience cries guilty: The king and his people are kept from understanding one another, the enemy is heartened abroad, and the malignant humours of discontent nourished at home; and all for one who is like a dragon, that bites the ear of the elephant, because he knows the elephant cannot reach him with his trunk; and princes are abused by false reports whispered in their ears by sycophants and flatterers. Diogenes being asked what beast bit sorest? answered, Of wild beasts the backbiters, of tame the flatterers.

Now to descend to grievances, which are of two kinds, some concerning the kingdom in general, some in particular, which have relation to the general.

The grievances in general are so many in number, as will serve for every member of your house to present two a piece to your views; and because I cannot be admitted among you myself, yet in regard I have been a member of you, I will presume so far, as to rank myself with you, and to tender the number of two to your consideration.

[1] In the unfortunate attempt on the isle of Rhé, under the command of the duke of Buckingham, he at first possessed himself of the town and island; but the forts being held out by the governor, Mons. de Thoiras, and succours arriving from France, the duke determined on a retreat, which was conducted in such an unsoldier-like manner, that the French charging the rear-guard, while in broken ground, defeated them with the slaughter mentioned in the text.

My first complaint is of titles of honour, and that in two kinds: first, in respect of the parties themselves, their estates and parentage: secondly, in respect of the manner of their obtaining thereunto, which is mercenary, base, and corrupt, which in reasn should not hold, for, by law, the considcration is unlawful.

Trajan commends Plutarch for his precepts in school, when he taught that men should labour to deserve honour, but to avoid the getting of it basely; for if it were reputation to have it by desert, it was infamy to buy it for money; in that age where rich men were honoured, good men were despised.

Honour is not to be valued according to the vulgar opinion of men, but priz'd and esteemed, as the sur-name of virtue, ingendered in the mind; and such honour no king can give, or money can purchase. He that will strive to be more honourable than others, ought to abandon passion, pride, and arrogancy, that so his virtue may shine above others; for honour consists not in the title of a lord, but in thc opinion people have of his virtue; for it is much more honour to deserve and not to have it, than to have it and not deserve it.

There is one of three things that commonly causeth a man's advancement, desert, favour, and power:[1] the first makes a man worthy of it, the other two are but abuses; for favour is but a blind fortune, an ounce of which at court is better than a pound of wisdom; fortune never favoureth, but flattereth; she never promiseth, but in the end she deceiveth; she never raiseth, but she casteth down again, this advancement is meeter to be called luck than merit; that honour that is compassed by power, takes unto itself liberty, and desires not to be governed by wisdom but force; it knows not what it desires, nor hath a feeling of any injury; it is neither moved with sweet words nor pitiful tears; such men live not to do evil, because they have no desire to it; but when their power faileth to do it, the true honour amongst the honourable is, where fortune casts down, where there is no fault, but it is infamy when fortune raiseth where there is no merit.

Examine the state and condition of men raised to honour these 25 years past, and whether it be desert, honour, or power that hath preferred them, enter into the mischiefs the kingdom hath suffered, and doth suffer by it; and the cause of his majesty's great wants will soon appear; recollect with yourselves how many poor, base, and needy companions have been raised to the highest top of honour, yea, how many Wills, Jacks, Jockies, Georgies and James's have attained to the degrees of dukes, earls, viscounts and barons, then will it appear, whether desert, favour, or power advanced them; after this, examine their princely expences in these 25 years, their estates in present, and what is requisite to maintain their future degrees of honour to themselves and their posterity, and you shall find his majesty's annual revenues consumed and spent upon thosc unworthy persons. Besides the impairing and impoverishing of the state, it brings with it the contempt of greatness and authority; it breeds an inward malice in gentlemen better deserving of their country, better able to maintain the degree of honour, without charge to king or kingdom, and whose houses and alliances may better challenge than the best of them.

It breeds discontent in the meaner sort of subjects, to see his majesty's wealth and revenues of the kingdom thus wasted and consumed, whereby his majesty is inforced to exact from them, who would otherwise be able to help himself.

The antient and great nobility of the land cannot choose but inwardly fret, to see themselves ranked, yea overtopp'd by these men, that once would have thought it an honour to bc a follower of theirs.

The second abuse of honour is the base and mercenary buying of it; observe com-

[1] The following observations apply to the general system of favoritism pursued by James I. and Charles I. But the inferences are particularly levelled against the duke of Buckingham, then the reigning favourite.

monly what these people are by birth, and mark the manner of their and their fathers getting of wealth to compass this title, and you shall find them people most hateful most odious to the commonwealth by their extortion, usury, and other ungodly kind of getting, as you may instance in Roberts, Craven, Sanderson, and many others.

Can there be a greater grievance to a noble mind, than to see these upstart families by their unsufferable misery, penury, and extortion, grown to wealth, to precede the best of you in rank, decree, and calling, whose ancestors have lost their lives for king and country; and yourselves in many respects more able and capable of serving your prince and common-wealth than they, and every way better deserving.

The character of a covetous man, is that he getteth his goods with care and envy of his neighbours, with sorrow to his enemies, with travel to his body, with grief to his spirit, with scruple to his conscience, with danger to his soul, with suit to his children, and curse to his heirs: his desire is to live poor, to die rich; but as these vices are made virtues, even so is he honoured from them, with title of nobility.

It is a strange ambition of some of them to purchase the degrees of earls, viscounts, and barons of other countries, as of Scotland and Ireland, only for the name of a lord, for no other privilege they can challenge in England; if they commit any criminal offences they shall be tryed by an ordinary jury and hanged, [1] if they stand in danger of arrest (as I think they are not much inriched by their title) they are subject to catchpoles, and a dungeon in the counter may be their sanctuary.

And since their pride makes them covet to divide themselves from you, and to become Scots and Irish, you can do no less in requital, but make an act, that so long as they hold the title of foreigners, they be made uncapable to sit in the house of parliament, or to enjoy any freedom more than his majesty's subjects of Scotland or Ireland.

Few of you are there, that have not seen nobility highly prised in England, and much esteemed abroad; and none of you now liveth but do see it abused, and liberty with too great familiarity in use. The state of the court, and reputation of lords, are much decayed, and bonednes with contempt crept in and no way to be redressed, but by a free and gentle speech in parliament, that so his majesty may see the mischief of it, and reform it, for it rests only in his power, who only hath power to create honour.

When Philip the Second, King of Spain, entred with arms upon the kingdom of Portugal, and that with his sword he might have any fitting laws, yet were there four privileges which the Portugals besought they might enjoy; one whereof was, that the king would make no unworthy person, noble, or without their approbation; which was granted them, and to this day they hold that freedom which keeps that kingdom in the antient state, honour and dignity, that is to say, two dukes, one marquis, and eighteen earls; and thus much for the point of honour.

The second grievance I will recommend to your views is the carriage of our wars, the excessive charges vainly spent therein, the unworthiness of the people imployed, the grave experience neglected, the designs not warranted by reason and discretion, and the executions worse performed, with many other circumstances that depend upon it.

But before I proceed herein, I must crave leave to speak to two points; the one to declare the property and condition of impostors and deceivers of princes; in the other, I must clear the house of parliament of an imputation cast upon it.

Abusers of princes are they, that perswade him to war, to become poor, when they may live in peace, and become rich, when they may be loved, cause them to be hated, when they may enjoy their lives securely, put them in hazard of cross fortune rashly;

[1] As actually befell Lord Sanquhar, who, though a peer of Scotland, was tried, condemned, and executed for murder, according to the common forms of English law, without the privilege of his peerage.

and, lastly, having necessity to use their subjects, puts them into that necessity as they refuse to do for him; all this is pride of the perswader, as Socrates saith.

In the second, I will clear the parliament (in which I was a member) of an ungrateful aspersion cast upon it, that is to say, that the parliament was a cause to draw his majesty into war, and failed on their parts to contribute towards it.

This has been often repeated, and the parliament accused; the contrary has been as often reiterated, and the truth expressed how far the parliament proceeded therein; but to stop the mouths of such false reports, and to free the parliament of much calumniation, I must use this argument.

At the assembly of Oxford, the parliament being prorogued thither, money was required of us towards furnishing his majesty's fleet, then preparing, upon many reasons alledg'd too tedious now to repeat; with one consent it was refused; whereupon there was offer made by him who next the king seemed to have best authority, that if they would but contribute 40,000l. they should chuse their enemy, whereupon I infer, that before that proposition there was no enemy, and therefore no wars.

The motion of money being denied, the parliament instantly broke up, and seeing no enemy was nominated, nor money consented to by us, I see not how the house can be taxed for peace-breakers, but rather the name cast upon some young men; for youth by nature is prone to pride, especially where experience wants; they are credulous in what they hear that pleaseth them, and incredulous with what is told them by wise men; they are despisers of others counsels, and very poor in their own. They are dangerous for princes to rely on, for self-will is of greater force than precepts.

Now to proceed, in October following the fleet put to sea, and what they did is apparent by relation, written by their general at his return.

The voyage being ended, another followed next summer, under the command of that noble lord, the Earl of Lindsey, which, through the weakness and disability of the ships, was not able to perform what he had in charge, and what he desired.

The last and most lamentable, was that to the isle of Rhee, which I likewise refer to a man I have seen, and to the books printed and extant.

This with that to Algiers, to make up a mess of island-voyages, I wish might be referred to examination of choice and experienced soldiers by land and by sea, to report their opinions of it, that so their errors, their wasteful expences, their negligences, their weak designs, and want of experience may appear with the success that might have proved, if advice and counsel had had pre-eminence above will and arrogance; for he that is ignorant of truth and knowledge, and led away with pride of his own opinions, must needs err.

After it hath past your approbation, it is worthy his majesty's view, who then shall see the difference of actions well managed, and rash and heady enterprizes, undertook by ignorance, and performed with folly.

Businesses of so great a consequence ought to be considered of with council, and not only of the necessity, profit, and honour, but of the possibility that was like to follow; for an action well begun is half ended.

My experience in discipline of war, by land and sea, can say no more than to refer it to others; for it is a course I never was bred to in my youth, and now too late in mine age to practise;[1] only one thing I observe, that in the two journies of Cadesh

[1] Sir John Suckling accordingly did not distinguish himself, to his advantage, in the Scottish campaign in 1639. The misbehaviour of the gay troop which he had levied gave occasion to the well-known satirical ballad, beginning

Sir John he got him an ambling nag,
To Scotland for to ride-a,
With an hundred horse more, all his own he swore,
To guard him on every side-a.

and Rhee: In the first, a land-soldier commanded at sea,[1] who knew not what belonged thereunto; and the other was carried by him that was soldier neither by land nor by sea,[2] and the success proved accordingly in both, yet their errors were never questioned, but they both highly advanced.

In my opinion, the charge they took upon them was as improper, as for a merchant to become a judge; for I have ever heard, that there are five things necessary in a general, to wit, knowledge, valour, prevention, authority, and fortune, whereof the last but one had been better spared at the isle of Rhee; for also late authority, joined with wilfulness of the commander, was the bane of the action, as the relation tells us.

And it is no marvel; for, according to the old saying (the best fencer is not always the best fighter, the fairest tilter, not the best experienced soldier, nor the ear of a favourite at court, the best general of an host,) and whosoever takes upon him that command, without knowledge, beholds himself in a false glass, and makes him seem what he is not; as, on the contrary, experience is the mother of prudence, and prudence will not take counsel, lest she join her will with her will: Hastiness causeth repentance, and frowardness causeth hinderance.

For the evils that follow upon these two voyages, yourselves are sufficient witnesses, and can judge of it; as, namely, billetting of soldiers in the country, and bringing their ships into harbours, not abating the entertainment of the one, nor the ways of the other; and yet notwithstanding this needless cost and charges, our ships and coasts are daily infested in such sort, as we dare not peep out of harbour.

Were the courage of things now answerable to the prudence and precedents of former times, we cannot pretend a fear of invasion, because our ships are divided into several harbours, and our soldiers billetted in inward countries; besides the season of the year giveth no opportunity to the enemy to attempt it.

Here is a mass of wealth carelesly consumed, whether the king or subject bear it, and no man bettered, but only those that have the title of soldiers, yet never had the happiness or honour to see what appertained to service; they are taught, instead of work, by which they have lived and been bred, now to spend their time in idleness and alehouses, and to forget their occupation; their example of disorder encourageth others to follow their liberty; people that are wont to live poorly, yet safely, are now by these fellows and their followers, robbed and spoiled, and no remedy for redress.

The rich stand upon their guard, and dare not resort to church, lest in their absence their houses be surprised and rifled.

The justices have only the name of officers, but have no power to punish injustice; all mens prayers are now a-days to be defended from the wrath of a mighty man, and the tumult of the people.

Garrisons in England, which have no strong walled towns, nor is used but to the disorder and loose carriage of soldiers, is more perilous, uncouth, and strange, than where war is practised. Innovations in all states are dangerous, especially where there is a diminution of the laws, or a fear to execute justice, through too much liberty given to soldiers; no country but hath more hurt by their garrisons, than by their enemies; enemies only rob the frontier, the other the whole country; the enemy may be resisted, the other not spoken against; the enemy giveth a sudden attempt, and returneth; the others do every day rob and spoil; the enemy surpriseth with fear; the others have neither fear nor shame.

The first lessening the greatness of the Roman empire was by the insolency of soldiers, and the first raising of the house of Ottoman was by permission and conniving at his army.

What man is so old in England, that hath seen, or what youth so young, that ever

[1] Lord Wimbledon, bred a soldier in the Low Countries.

[2] The Duke of Buckingham, who displayed personal gallantry in his expedition, but no military conduct.

thought to see, Scotchmen and Irishmen garrisoned in England, and no enemy appear against us? Or who could have imagined he should ever see our own people tyrannized over in our own kingdom, by those of our own nation, and those Scotch and Irish, yea, and dare not so much as complain? Would our forefathers have thought it safety or policy to draw 2000 Scotchmen and Irish in the isle of Wight, for their defence against France, when they of the isle desired it not, nay when they opposed it? Would they have thought it wisdom, that 2000 mouths, besides the inhabitants, should live on the food of that island, and so bring themselves into want and penury of victuals? If they should in earnest be attempted by an enemy, would they have thought fit the charge of it should be required of them, and yet they to suffer all injuries from the hands of strange soldiers, where the meanest boy in the island is taught to manage arms, better than the best of them that are billetted? No, but they would rather have thought it discretion, upon the return of those voyages, to have caused the men to repair to the place where they were pressed, and to have ordered, that each parish should have set them on work for their maintenance, with command to be ready upon warning to repair to the place of rendezvous: there is no part or place in England so remote from the sea, but they must have resorted to the port assigned before the ships could be furnished or drawn together. They would have thought it more wisdom to have retired to their own harbours, and to have had their men discharged, than to have continued this needless and expensive course that is taken.

They would have judged it better to have supplied the Isle of Wight with 2000 men out of the main land, when they feared any evil to the island, than to send for them into Scotland, and to keep them in continual entertainment.

They would have thought it more fit to have returned the barbarous Irish into the country from whence they came, than to make them a vexation to the places and parts where they remain; seeing no shadow of reason can be pretended for it.

England wants no men, and hath as good and able men as either of the other two nations, if his majesty had occasion to use them; England with small charge and trouble can raise what men his majesty pleaseth to command, and that suddenly, and discharge them again without trouble or charge as quickly. The wise men of England would have thought 2 or 300,000 *l.* better spared, than thus wastefully consumed, and disorders committed; we may compute it to that sum, and yet keep ourselves within compass; and, notwithstanding the want of money, and the ways to exact it of the subject, is all the song now sung, he that sees and complains of the evil managing of things is either imprisoned, banished the court, or censured for a discontent.

There is no Englishman but knoweth the heart of every other true-hearted Englishman, and with one consent will all obey our prince, and to his person we all do reverence, and we may truly say, no king is more happy in subjects for their love, nor no subjects readier to serve their king with their purses and persons, nor never people was better blessed with a king, who is endued with all kind of virtues, and stained with no manner of vice; his mercy, his temper, his chastity, and his meekness is such, as we may say of him, as of David, "he is a man according to God's own heart;" but if any man shall poison this opinion of ours, by sinister reports, he is a worker of sedition, he hath a lying tongue, and speaketh not truth; he is worthy to be spewed out, not only of the court, but even from the face of the earth. False informers and misguiders of good kings are much more perilous, than if princes themselves were evil; for commonly, as worms breed soonest in soft and sweet wood, so are the best natures, inclined to honour and justice, soonest abused by false flatterers.

The evil they commit, under the authority of good princes, is accounted as done by the prince himself, but commonly such people in the end pay for it; for he that desires not to do good, cannot be wise, but will fall into a thousand follies.

One of the first propositions made to the house, will be for money to support his majesty's vast expence at this time, that the enemy threatens thunder against the kingdom; your often alarms upon such pretences may make you now too secure; for true it is, that the last parliament books were published of invincible preparation intended against us, and nothing came of it: but beware you be not deceived by an old saying, that when one usually tells lies, he is not trusted when he speaks truth; for certainly the danger is much more than by the power and greatness of another enemy.

In this case, you must give for your own sakes, that so you may be sure to enjoy what is yours; for your sovereign's sake, to maintain his greatness and state; and for your country's sake, to keep it from oppression of the enemy; but with all, you ought to lay down the condition of the kingdom, and to shew that your necessities cannot parallel with your hearts and desires, that your minds will be carried with a willingness to give, but your hands will keep back your hearts for want of ability to give.

Themistocles demanding tribute of the Athenians, told them, he brought two gods with him, that is to say, Persuasion and Violence; they answered they had two other gods in their country, both great and powerful, which were Poverty and Impossibility, which hindered them from giving.

But, least this answer should be poisoned, or misrepresented to his majesty, and wrested to the worst sense, I pray you to examine the estate and condition of every man in particular, and their impossibility of giving will appear.

What can be hoped from the merchant, that is prohibited the greatest trade of profit and gain, and daily damnified by the spoil of Dunkirkers?

What can we expect from the owners of ships, that have suffered more shipwreck lately than in one hundred years before?

What can we look for from the husbandmen, when corn and wool is under foot? for it was an observation of the wise Lord Burleigh, that every shilling abated in a stone of wool was 100,000*l.* loss to the kingdom.

What can be required from the multitude, considering the little commerce, the daily payments to the king, to the houses of correction, to the poor, to the maim'd soldiers, to the often appearing at musters, the altering of beacons, and other services at the justices command?

What can knights or gentlemen give, their sheep dying, their tenants decaying, and their rents falling and failing?

What can be looked for from the clergy, considering their charge of induction, their first-fruits, the maintenance of their wives, children and families; yea, although they came freely to their benefices?

What can be expected from the artificers or tradesmen, when all the other either want or decay; now people will be contented with one suit of cloaths, that two heretofore would not have served; shoes, boots, and hats, and all other apparel they will husband after that proportion?

There are two sorts of people in the common-wealth well able to give; the one, the usurer, who commonly is free from all payments, in regard the necessities of most, making them beholding to them in one kind or other, for themselves and their friends; they in requital shew them all possible ease and favour in publick disbursements; the other are noblemen and gentlemen, formerly spoken of, that have had their advancements from the king and his father, though not immediately, but collaterally; for, if you cast your eyes upon divers servants of great persons, and remember what you have known them ten or twelve years past, it would put you to an admiration, yea some from horse keepers and other base callings, are now promoted to the degrees of baronets, knights, and the like; for though that new-devised order of baronets was first

instituted for money, yet such is the fortune of the servants; if one great man that is their master once prefer them to the king, the first day they enjoy the dignities of baronets, when gentlemen of great rank and quality, that have long served their princes, cannot compass it, without consideration-money.

When these things you shall collect, and seriously call to mind, you would think yourselves these twelve years last past asleep, and that you are now newly awakened; you shall hear of many things past in that space, as making and removing of treasurers, keepers, secretaries, judges, and all manner of counsellors and officers, with a million of such memorable and unlooked-for accidents; but leaving these as grievances and vexations to the subjects, let us come to a nearer point, which is the safety of the kingdom, that the enemy threatens to endanger, we may truly say, that God hath so placed and seated this isle of England, that nothing but evil counsel can hurt it; but true it is, advice that is not warranted from wise men, proves more forceable and perilous than the power of an enemy.

The scripture telleth us, that the thought perisheth that taketh not counsel.

A king of the Lacedemonians asked how a kingdom might ever stand? was answered two ways, if a king take counsel of wise, honest men, that they speak freely, and do justice uprightly; there was never censor that judged, senator that ordered, emperor that commanded, counsel that executed, orator that persuaded, nor any other mortal man, but sometimes he committed errors, and deserved either blame or punishment for his misdoings, and if he were wise, desired what to do.

St Gregory saith, no man can give so faithful counsel as he who loves one more than his gifts; then who are, or can be so true counsellors to our noble king, as a house of commons, that hath no relation to a king's gift, but only to his honour, flourishing estate, and safety?

This is the time to amend evil counsellors past, and to let evil counsellors see their errors. This is the time for all men to put their helps, some with their hands to fight; others with their advice to counsel; and for mine advice, this it is, that you present to his majesty in all humbleness, your willing minds and hearts to repair, and to fit to sea his majestys navy; yourselves to have power to make them able and serviceable with the advice of experienced men, that you may call unto you. This is a matter of great importance at this present, for the safety of king, realm, and subject; for the strength of the kingdom much depends upon this bulwark, which we may well term the walls of England.

His majesty shall find himself much eased by it: business shall be carried without his trouble or care; money shall not be sought, but that ever be provided by you, his majesty may dispose of the rest of his revenue at his pleasure.

By your frugality and husbandry, his majesty shall have occasion to judge of things past, of yours in present, and hereafter it will serve for a precedent to walk after; it will stop the mouths of malignant tongues, that inform his majesty of the unwillingness of the subject to give, and it will make it apparent that their true grief is not in the matter of giving, but to see the evil employing of it, when it is given.

If any man shall pervert this good meaning and motion of yours, and inform his majesty, it is a derogation from his honour to yield to his subjects upon conditions, his majesty shall have good cause to prove such mens eyes malicious and unthankful, and thereby to disprove them in all their other actions; for what can it lessen the reputation of a prince, whom the subjects only and wholly obeyeth, that a parliament, which his majesty doth acknowledge to be his highest counsel, should advise him, and he follow advice of such a counsel? What dishonour rather were it to be advised and ruled by one counsellor alone, against whom there is just exception taken of the whole commonwealth?

Marcus Purtio saith, That that commonwealth is everlasting, where the prince seeks to get obedience and love, and the subjects to gain the affection of the prince; and that kingdom is unhappy where their prince is served out of ends and hope of reward, and hath no other assurance of them, but their services.

Proceedings in the third Parliament of Charles I.

According to the wise and patriotic advice of Sir Robert Cotton, delivered in a preceding article, a parliament was summoned to meet on the 17th March, 1627. The king's speech, at the opening of the sitting, expressed, with more sincerity than prudence, that the urgency of his affairs obliged him to apply to them for supplies; and he yet more imprudently intimated, that, should they be delayed, he must use the other means which God had put into his hands. The parliament, in which the patriotic party had a great preponderance, not dismayed at this strain of prerogative, took into consideration the various encroachments which had been made upon the liberty and property of the subjects. Yet, after receiving several quickening messages from the king, they agreed to vote a supply of five subsidies; and Mr Secretary Cook was deputed to acquaint the king with their resolution. It was now the part of the king and his favourite to profess the most unbounded satisfaction with the liberality of parliament; and in the following account of his majesty's reception of the report from the house, the gratitude of the latter is ostentatiously expressed, as if his sentiments were of equal importance with those of his master.

Aprill 4, 1628.

The Proceeding of the Parliament being this Day related to the King, by the Councellors of the Commons House of Parliament.

His majestie, upon the report made, expressed great contentment that it gave him; not valewing the money given, comparable to the hearts shewed in the way of the guift; for although his great occasions of state did require more money than at this time was given, yet now he made account he could not lacke, since he had their loves; and that this day he thought that he had gayned more reputation in Christendome, than if he had wonne many battailes; saying further, (according to his speech the first day of the parliament) that they might easily make him love with parliaments, (now he professed he was so;) and that we should finde the fruits of it by calling us often together, and to secure further feares, and create future confidence, he assured us that we should enjoy as great immunitie and freedom in his time, as ever we possessed or had under the reigne of any the best kings of this realme.

The Duke of Buckingham, his Speech to his Majestie, on Friday, being the 4th of April, 1628.

Sir,

Mee thinks I now behold you a great king; for love is greater than majestie. Opinion that your people loved you not, had almost lost you in the opinion of the world; but this day makes you appeare as you are, a glorious king loved at home, and now to

bee feared abroad. This falling out so happily, I beseech you give mee leave to bee an humble sutor unto your majestie. First, for myselfe, that I, who have had the honour to be your favourite, may now give up my title unto them, they to bee your favourite, and I to bee your servant. My second sute is, that they having all done so well, you will account of them all as one, a body of many members, but all of one heart. Opinion might have made them differ, but affection did move them all to joyne with like love in this great guift; for proportion, it being lesse than your occasions may aske, yet it is more than ever subjects did give in so short a time: nor am I perswaded it will rest there, for this is but as an earnest of their affections, to let you see, and the world know, what subjects you have; that when your honour and the good of the state is engaged, and ayde asked in the ordinary way of parliament, you cannot want. This is not a gift of five subsidies alone, but the opening of a mine of subsidies which lyeth in their hearts. This good beginning hath wrought already these effects, they have taken your heart, drawne from you a declaration that you will love parliaments. And againe, this will be mett, I make no question, with such respect, that their demands will be just, dutifull, and moderate; for they that know thus to give knowe what is fit to aske: then cannot your majestie do lesse than outgoe their demands, or else you doe lesse than yourselfe, or them; for your message begat trust, their trust and your promise must then beget performance. This being done, then shall I with a glad heart, hold this worke as well ended as now begun, and then shall I hope that parliaments shal be made hereafter so frequent, by the effects and good use of them, as shall have this further benefit, to deterre from approaching your ears those projectors and inducers of innovation, as disturbers both of church and commonwealth. Now, Sir, to open my heart, and to ease my griefe, please you to pardon me a word more. I must confesse I have long lived in paine, sleepe hath given me no rest, favours and fortunes no content, much have bene my secret sorrowes to be thought the man of separation, and that divide the king from his people, and them from him; but I hope it shall appeare, they were some mistaken mindes, that would have made me the evill spirit that walked betweene a good master and a loyall people for ill offices. Whereas, by your majesties favour, I shall ever endeavour to approve myselfe a good spirit, breathing nothing but the best of services unto them all. Therefore this day I account more blessed unto me than my birth, to see myselfe able to serve them, to see you brought in love with parliaments, to see a parliament expresse such love to you. Love them I beseech you, and God so love me and mine, as I joy to see this day.[a]

[a] The following is an account of the report of the above expressions to parliament, and of the manner in which they were received:

"Mr Secretary Cook also at this time repeated the substance of the king's answer to the petition concerning recusants And after he had done, Sir John Elliot expressed the great satisfaction which, he apprehended, the house in general, and he himself in special, had received touching each particular of his majesty's gracious answer; but shewed his dislike, that Mr Secretary, in the close of his relation, made mention of another in addition to his majesty, which formerly had been a matter of complaint in the house, the mixture with his majesty, not only in the business, but in his name." "Is it (said he) that any man conceives the mention of others (of what quality soever) can add encouragement or affection to us in our duties and loyalties towards his majesty, or give them greater latitude or extent than naturally they have? Or is it supposed that the power or interest of any man can add more readiness to his majesty in his gracious inclination to us, than his own goodness gives him? I cannot believe it. And as the sweetness and piety of his majesty, which we have in admiration, makes me confident in this, so the expressions of our duty so perspicuous and clear, as already hath been given, is my assurance for the other."---Rushworth's *Historical Collections.*

The Petition of Rights, exhibited to his Majestie, by the Lords Spirituall and Temporall, and Commons in Parliament assembled, concerning divers Rights and Liberties of the subjects: with the Kings Majesties severall Answers thereunto. With his Majesties Declaration upon the same.

The parliament of 1628, although they had agreed to vote a supply of five subsidies, were at the same time determined to avail themselves of the circumstances of the king's affairs, for procuring relief of the grievances under which they had laboured. Forced loans, benevolences, arbitrary taxes, and yet more arbitrary imprisonments, billetting of soldiers, and martial law, were evils from which they were determined to emancipate the kingdom. The law which they proposed to pass upon these important points, they termed a Petition of Rights, to express that it was no innovation upon the constitution, but a declaratory enactment, designed to confirm and secure the ancient and undoubted privileges of Englishmen. In order to secure so important a point, they voted, that the redress of these grievances, and the final grant of the subsidies, should go hand in hand. Yet even the emergency of the king's necessities did not incline him to accede to the Petition of Rights. He endeavoured to disturb its passage through the house of lords: and when the obstacles there thrown in the way were surmounted, he delivered, instead of the usual concise form of consent or refusal to a bill, an answer, importing, that the king willed that right be done according to the laws and customs of the realm; and that the statutes be put into execution, that his subjects may have no cause to complain of any wrong or oppression contrary to their just rights and liberties, to the preservation whereof, he held himself in conscience as much obliged as of his own prerogative.

If the Duke of Buckingham suggested this dark, evasive, and unusual answer, he had little reason to applaud his policy; for the disappointed commons fell furiously upon his conduct; nor could the king think of any mode of diverting the storm about to burst upon his favourite, except by granting his assent to the Bill of Rights, so pertinaciously refused to the prayers of his people. Yet this late and ungracious compliance was far from having the effect which Charles designed. For the commons immediately proceeded to frame and present a remonstrance on the innovations of religion and government, the disasters in public designs, the decay of trade, and neglect of national defence, all of which they imputed to the Duke of Buckingham's excessive power, and his abuse of the king's favour. This remonstrance was delivered to his majesty, who received it with marks of surprise and displeasure. A second remonstrance against tonnage and poundage was in the act of being prepared, when he expressed his dissatisfaction in the speech which is here inserted, and then prorogued the parliament.

To the Kings most Excellent Majestie.

Humbly shew unto our soveraigne lord the king, the lords spirituall and temporall, and commons in parliament assembled, That whereas it is declared and enacted by a statute made in the time of the reigne of King Edward the First, commonly called *Statutum de tallagio non concedendo*, That no tallage or ayde shall be laid or levyed by the king or his heires in this realme, without the good will and assent of the archbishops, bishops, earles, barons, knights, burgesses, and other the freemen of the commonalty of this realme. And by authority of parliament holden in the five and twentieth yeare of the reigne of King Edward the Third, it is decreed and enacted, That from henceforth no person should be compelled to make any loanes to the king against his will, because such loanes were against reason, and the franchise of the land. And by other lawes of this realm, it is provided, that none should be charged by any charge or imposition called a benevolence, nor by such like charge, by which the statutes aforementioned, and other the good laws and statutes of this realme, your subjects have inherited

this freedom, That they should not bee compelled to contribute to any taxe, tallage, ayde, or other the like charge, not set by common consent in parliament.

Yet nevertheless, of late, divers commissions directed to sundry commissioners in severall counties with instructions, have issued; by meanes whereof your people have beene in divers places assembled, and required to lend certaine summes of money unto your majestie, and of them upon their refusal so to doe, have had an oath administered unto them, not warrantable by the lawes or statutes of this realm, and have beene constrained to become bound to make appearance, and give attendance before your privie councell, and in other places; and others of them have beene therefore imprisoned, confined, and sundrie other waies molested and disquieted. And divers other charges have beene levyed upon your people in severall counties, by lord lieutenants, deputie-lieutenants, commissioners for musters, justices of peace, and others by command of or direction from your majestie, or your privy councell, against the lawes and free customes of the realme.

And whereas, by the statute called, The great Charter of the Liberties of England, it is declared and enacted, That no freeman may be taken or imprisoned, or be disseised of his free-hold, or liberties, or his free customes, or be outlawed, or exiled, or in any manner destroyed, but by the lawfull judgment of his peers, or by the law of the land.

And in the eight and twentieth year of the reigne of King Edward the Third, it was declared, and enacted by authority of parliament, that no man of what estate and condition that hee bee, should be put out of his land or tenements, nor taken nor imprisoned, nor disherited, nor put to death without being brought to answer by the procese of law.

Neverthelesse, against the tenour of the said statutes, and other the good lawes and statutes of your realme, to that end provided, divers of your subjects have of late been imprisoned without any cause shewed: And when for their deliverance they were brought before your justices, by your majesties writs of *Habeas Corpus*, there to undergo and receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certifyed, but that they were detained by your majesties speciall command, signified by the lords of your privie councell, and yet were returned back to severall prisons, without being charged with any thing to which they might make answer according to law.

And whereas of late, great companies of souldiers and mariners, have beene dispersed into diverse counties of the realme, and the inhabitants, against their wills, have been compelled to receive them into their houses, and there to suffer them to sojourne against the lawes and customes of this realme, and to the great grievance and vexation of the people.

And whereas also, by authority of parliament, in the five and twentieth yeare of the raigne of King Edward the Third, it is declared and enacted, that no man should be forejudged of life or limbe against the forme of the Great Charter and the law of the and; and by the said Great Charter, and other the lawes and statutes of this your realme, no man ought to be adjudged to death, but by the laws established in this realme, either by the customes of the same realme, or by acts of parliament. And whereas no offender, of what kinde soever, is exempted from the proceedings to bee used, and punishments to be inflicted by the laws and statutes of this your realme: Neverthelesse, of late time divers commissions under your majesties great seale have issued forth, by which certaine persons have beene assigned and appointed commissioners, with power and authority to proceede within the land, according to the justice of martiall law, against such soldiers or marriners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage, or misdemeanor whatsoever, and by such summary course and order, as is agreeable to martiall law, and as is used in armies in time of warre, to proceede to the tryall and condemnation of such

offenders, and them to cause to be executed and put to death according to the law martiall.

By pretext whereof, some of your majesties subjects have beene by some of the said commissioners put to death, when and where, if by the lawes and statutes of the land if they had deserved death, by the same lawes and statutes also they might, and by no other ought to have been judged and executed.

And also sundry grievous offenders by colour thereof, claiming an exemption, have escaped the punishments due to them by the lawes and statutes of this your realme, by reason that divers of your officers and ministers of justice have unjustly refused or forbourne to proceede against such offenders, according to the same lawes and statutes, upon pretence that the said offenders were punishable onely by martiall law, and by authority of such commissioners as aforesaid. Which commissioners and all other of like nature are wholy and directly contrary to the said lawes and statutes of this your realme.

They doe therefore humbly pray your most excellent majestie, that no man hereafter be compelled to make or yeeld any gift, or loan, benevolence, taxe, or such like charge, without common consent by act of parliament. And that none bee called to make answer, or to take such oath, or to give attendance, or be confined, or otherwise molested, or disquieted, concerning the same, or for refusall thereof. And that no freeman, in any such manner as is before mentioned, be imprisoned or detained. And that your majesty would be pleased to remove the said souldiers and marriners, and that your people may not bee so burthened in time to come. And that the foresaid commissioners for proceeding by martiall law, may be revoked and annulled. And that hereafter no commissions of like nature may issue forth to any person or persons whatsoever, to be executed, as aforesaid, least by colour of them any of your majesties subjects be destroyed or put to death, contrary to the lawes and franchise of the land.

All which they most humbly pray, of your most excellent majesty, and their right and liberties, according to the lawes and statutes of this realme. And that your majestie would also vouchsafe to declare the awards, doings, and proceedings, to the prejudice of your people, in any of the premisses, shall not bee drawne hereafter into consequence or example. And that your majestie would be also graciously pleased, for the further comfort and safety of your people, to declare your royall will and pleasure, that in the things aforesaid, all your officers and ministers shall serve you, according to the lawes and statutes of this realme, as they tender the honour of your majesty, and the prosperity of this kingdom.

Which petition being read, the kings answer was thus delivered unto it:

The king willeth, that right be done, according to the lawes and customes of this realme; and, that the statutes bee put in due execution, that his subjects may have no cause to complaine of any wrong or oppositions contrary to their just rights and liberties: To the preservation whereof, he holds himselfe in conscience aswell obliged, as of his prerogative.

But this answer not giving satisfaction, the king was againe petitioned unto, that hee would give a full and satisfactory answer to their petition in full parliament.

Whereupon the king in person made this second answer:

My Lords and Gentlemen,

The answer I have already given you, was made with so good deliberation, and approved by the judgment of so many wise men, that I could not have imagined but that it should have given you full satisfaction; but, to avoid all ambiguous interpreta-

tions, and to shew you that there is no doublenesse in my meaning, I am willing to please you in words as well as in substance. Read your petition, and you shall have an answer, that I am sure will please you.

And then causing the petition to be distinctly red by the clerke of the crowne. The clerke of the parliament read the kings answer thereto in these words:

Soit droit fait come est desiré. Let right be done as is desired.

Which being done, the king in person said thus:

This I am sure is full, yet no more then I granted you in my first answer; for the meaning of that was, to confirm all your liberties, knowing, according to your owne protestations, that you neither meane, nor can hurt my prerogative; and I assure you, my maxime is, that the peoples liberty strengthens the kings prerogative, and that the kings prerogative is to defend the peoples liberties.

Ye see now how ready I have shewed myselfe to satisfie your demands, so that I have done my part; wherefore, if this parliament has not a happie conclusion, the sinne is yours, I am free of it.

And on the last day of the session, his majesties speech to both houses before his assent to the bills, was this:

My Lords and Gentlemen.

It may seeme strange that I come so suddenly [a] to end this session; therefore, before I give my assent to the bills, I will tell you the cause, though I must avow that I owe an account of my actions to none but God alone. It is knowne to every one, that a while ago the House of Commons gave mee a remonstrance [b] how acceptable every man may judge, and for the merit of it I will not call that in question, for I am sure no wise man can justifie it.

Now, since I am certainely informed, that a second remonstrance [c] is preparing for me to take away my profit of a tonnage and poundage (one of the chiefe maintenances of the crowne,) by alledging that I have given away my right thereof, by my answer to your petition.

This is so prejudiciall unto me, that I am forced to end this sessions some few howers before I meant it, being willing not to receive any more remonstrances, to which I must give a harsh answere.

And since I see that even the House of Commons beginnes already to make false constructions of what I graunted in your petition, lest it be worse interpreted in the countrey, I will now make a declaration concerning the true intent thereof.

The profession of both houses in the time of hammering this petition, was no waies to trench upon my prerogative, saying, they had neither intention nor power to hurt it.

Therefore it must needs be conceived, that I have granted no new, but onely confirmed the ancient libertie of my subjects; yet, to shew the clearnesse of my intentions,

[a] The king came so very suddenly to the house, that the lords had no time to put on their robes, nor had the speaker received the house's directions to present the address.

[b] Stating the national calamities, and accusing the Duke of Buckingham as the author of them.

[c] This remonstrance had been engrossed, and the house were engaged in the reading, when sent for by his majesty.

that I neither repent, nor meane to recede from any thing I have promised you, I doe here declare, that those things which have beene done, whereby men had some cause to suspect the liberty of the subjects to be trencht upon (which indeede was the first and true ground of the petition) shall not hereafter be drawne into examples for your prejudice. And in time to come (in the words of a king) you shall not have the like cause to complaine.

But as for tonnage and poundage it is a thing I cannot want, and was never intended by you to aske, never meant (I am sure) by me to grant.

To conclude, I command you all that are here, to take notice what I have spoken at this time, to be the true intent and meaning of what I granted you in your petition. But especially you, my lords, the judges, for to you onely under me belonges the interpretation of lawes; for none of the House of Parliament, joyntly or separate, (what new doctrine soever may be raised,) have any power, either to make or declare in law without my consent.

The Forme of Government of the kingdome of England, collected out of the fundamentall Lawes and Statutes of this Kingdome. Wherein is manifested the customary Uses of the Kings of England upon all Occasions, either of Marriage, Peace or Warre, to call their Peeres and Barons of the Realm to be Partners in Treaties, and to give their juditious Advice, the State and Security of the whole Kingdome depending upon such Counsells and Determinations; likewise the Names of the Kings, and the Times when such Parliaments were called, and the Acts that passed upon those and the like Occasions.

Henry	1.	Henry	4.
John		Henry	5.
Henry	3.	Henry	6.
Edward	1.	Edward	4.
Edward	2.	Henry	7.
Edward	3.	Henry	8.
Richard	2.		

Published for the satisfaction of all those that desire to know the manner and forme of the Government of the Land, and the fundamentall Lawes of the Kingdome.

In 1689, when this pamphlet was published, the ill conduct and worse success of the war against Scotland, had made the English very weary of the exertion of the royal prerogative, in making peace and war. The drift of the following tract goes to prove, that the parliament, as the grand council of the nation, had an inherent right, by the usages of the English monarchy, to be consulted upon all occasions of deep national interest.

To search so high as the Norman conquest, it is necessary to lay downe the forme of government of those times, wherein the state of affairs led in another forme of publique councels; for the people (wrought under the sword of the first William,[1] and his followers, to a subjected vassalladge,) could not possesse in such assemblies the right

[1] "William the Conqueror."

of their former liberties, divisions and power having mastered them, and none of their old nobility and heads, being left either of credit or fortunes.

What he retained not in providence as the deameasnes of the crowne, or reserved in piety, as the maintenance of the church, he parted to those strangers that syleed along with him, in that barque of his adventure;[1] leaving the natives for the most part (as it appears by his survey,) in no better condition, then villany, moulding their customes to the manner of his owne countrey: and forbore to grant the lawes of Saint Edward, so often called for.[2]

To supply his occasions of men, money, and provision, hee ordered that all those, that enjoyed any fruit of his conquest, should hold the lands proportionable by so many knights fees of the crowne; admitted to enfeoffe their followers of such parts (as they pleased) of their own portions, which, to ease their charge, they did in his and his sonnes time by two feoffments, the one *de novo*, the other *de veteri*. This course provided him of the body of his warre; the money and provision was by headage assessed upon the common people by the consent of their lords, who held in all their seigniories such right of regalitie, as to their vassalles; so as (saith Paris) *quot domini, tot tyranni;* and proved to the king so great a curbe and restraint of power, that nothing fell into the care of majestie afterward more, then to retrench the force of this aristocracy, that was, in time, like to strangle the monarchy.

Though others foresaw the mischiefe betimes, yet none attempted the remedy, untill King John, whose overhastie undertaking brought in those broyles of the barrons warres. There needed not before this, any care to advise with the commons in all publique assemblies, when every man in England by tenure, held himselfe to his great lords will, whose presence was ever required in those councells, and in whose assent his dependant tenants consent was ever included.

Before this kings time then we seeke in vaine for any commons called, they were called ever for making of lawes, but not to consult touching warre or peace. The first (as may bee gathered, though darkely, by the records,) that used their counsell and assents, was this king in the sixt yeare of his raigne; here are the first summons on record to the peeres or barons *tractaturi de magnis et arduis negotiis.* It was about a warre of defence against the French; and that the commons were admitted at this time, may fitly be gathered by the ordinance; *provisum est communi assensu archiepiscoporum, comitum, baronum, et aliorum fidelium nostrorum angliæ, quod nomen milites Angliæ invenirent decimum, &c.* And this was directed to all the shirefs in England. The auncient use in publique lawes.

From this time, there is a breach untill 18. Hen. 3. where the next summons extant is in a plea rolle of that year, but the ordinances are lost; from thence the records afford us no light until the 49 of the same king, where then the summons to the bishops, lords, knights, and burgesses are much in manner, though not in matter, alike to the use in our times, this parliament was called to advise with the king *pro pace assecuranda et firmanda*, they are the words of the writt; and where advice is required, consultation must be admitted.

To this king succeeded Edward the First, his sonne, a wise, just, and fortunate prince. In his raigne we have no light of publique councell of this kind; and so along to the fourth of his granchild, but what we borrow out of the rolles of summons, wherein the forme stood various according to the occasions, untill it grew constant in the forme it is, about the entring of Richard the Second, the journall rolles being spoiled by the injury of time or private ends.

This king in the fift of his raigne called a paliament, and therein advised with his lords and commons, for suppressing Llewellin Prince of Wales; and, hearing that the French king intended to invade some peeces of his inheritance in France, summoned a parliament *ad tractandum, ordinandum, et faciendum cum prelatis, proceris et aliis incolis*

[1] "Edmerus." [2] "Huntington."

regni, quomodo hujusmodi periculis et excogitatis militiis sit obviandum; inserting in the writt, that it was *lex notissima et provida circumspectione stabilita,* that *quod omnes tangit, ab omnibus approbaretur.* In the thirty-fourth of his raigne *super ordinatione et stabilimento regni Scotiæ,* he made the like convention.

His sonne, the second Edward, *pro solemnitate Sponsalium et Coronationis,* consulted with his people in his first year, in his sixth yeare, *super diversis negotiis statuum Regni et expeditione Guerræ Scotiæ specialiter tangentibus* ; he assembled the states to advise; the like he did in his eight year; the French king having invaded Gascoigone in the thirteenth yeare. The parliament was called *super arduis negotiis Statuum ducatus Vasconiæ tangentibus;* and in the sixteenth to consult *ad refrænandam Scotorum obstinantiam et malitiam.*

Before Edward the Third would resolve in his first year, whether peace or warre with the Scotish king, he summoned the peeres and commons *super præmissis tractare et concilium impendere.*

The chancellour *anno* the fifth, declareth from the king, the cause of that assembly, that it was to consult and resolve, whether the king should proceed with France for recovery of his seignories, by allyance of marriage or by warre; and whether to redresse the disobedience of the Irish, he should passe in person or no.

The year following he reassembled his lords and commons, and required their advice whether he should undertake the holy expedition with the French king, or no? The bishops and proctors of the clergy would not be present, as forbidden by their canons such councels. The peeres and commons consult, applauding the religious and princely forwardnesse of their soveraigne to this holy enterprise, but humbly advise forbearance this year, for urgent reasons.

The same yeare though at another session, the king demanding the advice of his people, whether he should passe into France to an enterview as was desired, for expediting the treatie of marriage; the prelates by themselves, the earles and barons by themselves, and the knights of shires by themselves, consulted apart, for so are the records, and in the end resolved, that, to prevent some dangers likely to arise from the north, it would please the king to forbear his journey, and to draw towards those parts where the perils were feared, his presence being the best prevention; which advice hee followed.

In the following parliament at York, the king sheweth how by their former advice he had drawn himselfe towards the north parts, and now againe he had assembled them to advise further for his proceedings. To which the lords and commons having consulted apart, pray further time to resolve, untill a full assembly of the states, which the king granting, adjourneth that session.

At their next meeting they are charged upon their allegiance and faith, to give the king their best advice; the peeres and commons consulting apart, delivered their opinions; and so the parliament ended.

In the thirteenth yeare, the grandees and commons are called to consult and advise how the domestique quiet may be preserved, and marches of Scotland defended, and the sea scoured from enemies. The peeres and commons having apart consulted, the commons, after a desire not to be charged to counsell in things *de quex ils n'ount pas cognizance,* answers, that the guardians of the shires assisted by the knights, may effect the first, if pardons of felons bee not granted: The care of the marches they humbly leave to the king and his councel; and, for the safeguard of his seas, they wish that the Cinque Ports and maritime townes, discharged for the most part from many burthens of the inland parts, may have that left to their charge and care; and that such as have lands near the courts be commanded to reside on those possessions.

The parliament is the same yeare reassembled, *advisamento Prelatorum, Procerum, nec non Communitatis,* to advise *de expeditione Guerræ in partibus transmarinis.* At

this ordinance resolutions are made for provision of ships, arraying of men for the marches and defence of the isle of Jersey, naming such in the records, as they conceived fit for those imployments.

The next yeare *de la Poole* accompteth the expences of the warre; a new ayde is granted, and by severall committees, in which divers were named that were not peeres of parliament, the safeguard of the seas, and defence of the seas are consulted of.

In the fifteenth yeare *de assensu Prælatorum Procerum, et aliorum de Concilio,* the kings passage into France is resolved of.

Anno 17. Badlesmore, in place of the chancellour, declareth unto the peeres and commons, that whereas by their assents the king had undertaken the warres in France, and that by the mediation of the pope a truce was offered; which then their soveraign forbore to entertain without their allowance; the lords apart consult, and also the commons, returning by Sir William Trussell in answer their advise, and desiring to compose the quarell, approve the truce and the popes mediations, the popes undertaking proving fruitlesse, and delayes to the French andvantagious, who in the mean time with Scotland and others practised to roote out the English his parliament the yeare following; in which the peeres and commons, after many dayes of deliberation, resolve to end it, either by battaile or peace, and no more to trust upon the mediation or message of his hollinesse.

In the 23. yeare the chiefe justice Thorpe declaring to the peeres and commons, that the French warres began by their advice; the truce after by their assents accepted and now ended. The kings pleasure was to have their counsells in the prosecution. The commons being commanded, *que ils se devoient faire assembler, et fils essent agree le devoient monetre an Roy et al Grandees de son Councell,* after 4. daies consultation, humbly desire of the king, that he would bee advised herein by his lords and others of more experience than themselves in such affaires.

To advise the king the best for his French imployments, a parliament was summoned *anno* 25. herein the king by a more publique dispatch willeth the commons to elect 24. or 30. of their house to consult with the lords, these to relate to their fellowes, and the conclusion generall to the king.

In the 27. a great councell is assembled, many of the lay peeres, few of the clergy; and of the shires and burroughs but one a piece. This was for the prosecution of the French warres, when an honourable peace could not bee gotten; but the yeare following a truce being offered, the king forbore to entertaine it, untill he had the consent of his peeres and commons, which they in parliament accorded unto before the pope's notary by publique instrument.

The dallying of the French in the conclusion of peace, and the falling off of the duke of Brittaine (having wrought with France by the reputation of the English successours) is the yeare following declared in parliament, and their advice and ayde required for the kings proceedings.

In the thirty-sixth yeare he calleth his parliament to consult whether warre or peace by David the king of Scots, then offered, should be accepted.

In the fortieth yeare the pope demanding the tribute of king John, the parliament was assembled; where, after consultation apart, the prelates, lords, and commons advised the denyall, although it bee by dint of sword.

In the forty-third yeare the king declared to the peeres and commons, that the French, against the articles of the truce, refused payment of the monies, and delivery of the townes, summoning La Brett, and others of the kings subjects in Gascoigne, to make at Paris their appeales, and had forraged his countrie of Poitiers, requiring in their breach, whether hee might not resume the style and quarrell of France. The lords and commons having apart consulted, advise the king to both, which he approving, altered the inscription and figure of his seale.

Two yeares after it was declared to the peeres and commons, that by their advise he had resumed the style and quarrell of France; and therefore desired their advise for the defence of the realme against the French, securing of the seas, and pursuing of the warres; of which they consult, and resolve to give the king an ayd. The like counsell and supply was the very next yeare following.

In the fiftieth yeare, a parliament to the purpose of the former two was summoned; and the yeare following, the king in parliament declaring how the French had combined under hand against him with Spaine and Scotland, required their advice, how peace at home, the territories abroad, security of the seas, and charge of the warre, might be maintained.

I have the longer insisted in observing the carraige of these times so good and glorious, after ages having not left the journall entires of parliament so full, which therefore with a lighter hand I will passe through.

Richard the Second, the grandchilde, succeeded to the crown and troubles, having nothing worth his great fortunes, but his great birth. The first of his raigne, hee pursued the steps of his wise grandfather, advising with his peeres and commons, how best to resist his enemies that had lately wronged divers of his subjects on the sea coasts.

In the the second yeare hee againe consulted with his people, how to withstand the Scots, who then had combined with the French to break the truce.

In the third yeare hee called the advise of his parliament, how to maintain his regality, impared by the popes provisions; how to resist Spaine, France, and Scotland, that had raised warres against him; how to suppresse his rebells in Guyon and Ireland, and to defend the seas.

In the fourth yeare of his raigne he called the like at Windsor. The yeare following in a great councell, the king having purposed a royall voyage into France, now called his parliament to determine further of it. And it is worthy your observation, that for the most part before any propositions of warre or peace were vented to the commons, a debate thereof precedeth in the great councell to shape it fitter for popular advice. The quarrell with Spaine continuing, the duke of Lancaster offereth a voyage against them, so as the state will lend him money: after consultation they grant an aide, but not to bind them to any continuance of warre with Spaine.

In the sixth the parliament was called to consult about the defence of the borders, the kings possessions beyond the seas, Ireland and Gascoyne, his subjects in Portugall. The lords approve the dukes intentions for Portugall, and the commons that the bishop of Norwich, having the popes crosier, should invade France. The same yeare the state was called againe to consult whether the king should goe in person to rescue Gaunt or send his army. The commons, after two dayes debate, craved a conferrence with the lords. The effect is not entred in the rolle, onely they, by Sir Thomas Puckering their speaker, protest that councells for war did aptly belong to the king and his lords, yet since the commons were commanded to give their advice, they humbly wished a voyage by the king; if not, that the bishop of Norwich might, with the advantage of the popes crosier be used in that service, who accepted the charge with ill successe. He further for the commons prayeth, that the kings uncles should not be spared out of the realme before some peace was settled with the Scotts; and that the lord de Lar-spar sent with propositions of peace from Spaine might first bee heard.

The chancellor in the seventh yeare in name of the king willeth the lords apart, and so the commons to consult, whether peace or warre with Scotland, and whether to resist or assault the kings adversaries of Spaine, France, and Flanders: Their opinions are not entred in the rolles, an omission usuall to the clarkes neglect, onely their petitions are recorded, that the bishop of Norwich may accompt in parliament the expence of the money, and be punished for his faults in the service, which hee undertooke, both which are granted. And at the next session, in the same yeare, the commons are will-

ed to advise upon view of the articles of peace with the French whether warre or such amitie should bee accepted? They modestly excuse themselves as too weak to counsell in so weighty causes; but charged againe as they did tender their honour, and the right of the king; they make their answer, giving their opinions rather for peace than warre.

Peace with France not succeeding, in the eighth year, the body of the state was called to advise, whether the king in his owne person, or by sending forces against the French, Spaine, Flanders, and Scotland, should proceed.

The king having this yeare assembled at Oxon his great councell to advise, whether he should passe the seas or no with an army royall, and they not daring to assent without a greater councell, a parliament the tenth yeare was called to have the advice of the commons, as well as of the lords, how the realme should be governed in their soveraignes absence.

The truce with France now neare expired, the parliament was called in the thirteenth yeare to advise upon what condition it should be renewed: otherwise how the charge of warre should be sustained. At this assembly, and by consent of all, the Duke of Lancaster is created Duke of Aquitaine, the statutes of provision were now passed, and the commons are named a party in the letter to the pope.

The yeare succeeding a parliament is called, for that the king would have the advice of his lords and commons for the warre with Scotland, and would not, without their counsell, conclude a finall peace with France.

The like assembly for the same causes was the yeare ensuing, wherein the commons desire the king to use a moderation in the law of provision, to please at that time their holy father, so as the statute upon their dislike might againe be executed, and that to negotiate the peace with France, the Duke of Aquitaine might rather than any other be employed, to conclude of the treatie with France; for the king in the seventeenth calleth a parliament, the answer of the lords is left unentred in the roll, but the commons upon their faith and allegiance charged, advise that with good moderation, homage may be made for Guyen, an appenage of the French crowne, so as it intrench not to involve the other peeces of the English conquest. Their answer is modest, large, and worthy of mark.

Hen. 4th. Now succeeded, a man that studied all popularitie, as needing all to support his titles. He in the fifth yeare called a parliament, to suppresse the malice of the Duke of Orleance, and to advise for the wars in Ireland and Scotland; neither counsels or supplies are entred in the roll; and to resist an innovation intended by France and Britaine, he assembleth the state againe.

The like was in two yeares following for France. In this the commons confer with the lords for guard of the sea, and make many ordinances, to which the king assented: the peace with the merchants of Pruce and the Hanstownes is debated, and a proclamation published as they resolve; by the speaker the commons complaine of 96 peeces of ordnance lost in Guyen the yeare before, the need of defence for the borders, and guard of the sea coasts. To suppresse the rebellion in Wales, and the disloyalty of the Earle of Northumberland, they humbly desire that the prince may be dispatched into those parts with speed; and to have a vigilant eye over the Scottish prisoners.

In the tenth the parliament is commanded to give their advice about the truce of Scotland, and preparation against the malice of the French.

Hen. 5. His sonne, the wise and happy undertaker, consulteth with the parliament, in his first yeare, how to cherish his allies, and restrain his enemies. For this there was a select committee of the commons, appointed to conferre with the lords, the matter being entered into a schedule, touching Ireland, Wales, Scotland, Calice, Guyen, shipping, guard of the seas, and wary provision to repulse the enemy.

In the second hee openeth to the parliament his title to France, a quarrell he would

prosecute to death: if they allowed and ayded; death is in this assembly, enacted to all, that either break the truce, or the kings safe conduct.

The yeare following, peace being offered by the French king, and the king of the Romans arrived to effect the worke, the king refuseth any conclusion, untill hee had thereunto the advice and assent of his lords and commons, which occasion the chancellour declareth to that assembly.

In the fourth and fifth, no peace concluded with France, the king calleth the state together to consult about the warre, concluding a treaty of amitie with Sigismund, King of the Romans, by the allowance of the three states, and entreth the articles in the journall rolle. In the same yeare by the Duke of Bedford, in the king's absence, a parliament was called to the former purposes, as it appeareth by the summons, though in the rolle omitted.

The like in the seventh year. And the treaty with France is by the prelate, nobles, and commons of the kingdome perused and ratified in the tenth yeare of this king.

Hen. 6. His sonne, more holy, than happy succeeded, and adviseth in the second year with the lords and commons for the well keeping of the peace with France, consulteth with them about the delivery of the Scottish king, and the conclusion is confirmed by common assent. In the third yeare they are called to advise and consent to a new article in the league with Scotland, for charge of hostage, and in the ninth yeare conclude of certain persons by name, to treate a peace with the dophin of France.

The treaty of Arras, whither the pope had sent as mediators, two cardinals; the king in parliament, *anno* 14. sheweth, that he must either loose his title, stile, and kingdome of France, or else defend it by force: the best meanes for provision whereof he willeth them to advise him.

He summoneth again the next yeare the same councel to advise how the realme might be best defended, and the sea kept safe against the enemies.

In the twentieth the commons exhibite a bill for guard of the sea, the number of ships, assesse wages, and dispose of any prizes if any fortune, to which the king accordeth; and that the Genowaies might be declared enemies, for assisting the Turk in spoyle of the knights of Rhodes, and that the priviledge of the Pruce and Hanstownes might be suspended, untill composition be made to the English for wrongs they had done them. To the which in part the king accordeth.

The king by the chancellour declareth in parliament, that the marriage with Margaret the King of Sicily his daughter was contracted, for inducing the peace made with France. Against the which the lords not by their advise effected, make a protestation, and enter it on the rolle.

The king intending to passe in person into France, there to treat of peace with the king, adviseth with his lords and commons in parliament, and letters of mart are granted against the Brittaines for spoyles done to the English marchants.

The Lord Hastings and the abbot of Cloue, declare in parliament the preparation of the French, the breach by them of peace, the weake defence of Normandy, and the expiration shortly of the truce; requiring speedy advice and remedie.

It was injoyned by the parliament to provide for the defence of the sea and land, against the French.

It was commanded by the king to the states assembled, to advise for the well ordering of his house, payment of his souldiers at Calice, guard of the seas, raysing of the siege at Berwicke made by the Scots against the truce; disposing of 1300 souldiers rased the last parliament; according of differences amongst the lords, restraining the transportation of gold and silver, and quieting the disorders in Wales, of all which, committees are appointed to frame bills.

Edward the Fourth by the chancellour declareth to the lords and commons, that having made peace with Scotland, entred league with France and Denmark, contracte

with Burgundy and Brittaine for their aide for the recovery of his right in France, he had now assembled them to give their counsell in proceeding, which charge in a second session was again pressed unto them. The like was at another parliament held in the eleventh yeare.

After this time, the journalls of parliament have bin either not well preserved, or not carefully entred; for I can find of this nature no records, untill the first of Henry the Seaventh, wherein the commons by Thomas Lovell their speaker, petition the king to take to wife Elizabeth the daughter of Edward the Fourth, to which the king at their request doth agree.

The next is the third of Henry the Eighth, in which, from the king, the chancellour declareth to the states the cause of that assembly to be, first, to advise a course for resisting the innovation of the Sctos; the next, how to quiet the quarrell between the king of Castile, and the Duke of Gelders; lastly, for assisting the pope against Lewis of France, whose bull expressing the injuries done the see apostolique, was read by the master of the rolles in open parliament, after which the chancellour, there and other lords were sent downe unto the commons to confer thereof.

The last is in the two and thirtieth yeare, wherein the chancellour, remembering the many troubles the state had undergone in doubtful titles of succession, declareth, that although the convocation had judged void the marriage with Anne of Cleve, yet the king would not proceed without the counsell of the states, whereupon the two archbishops are sent downe to the commons with the sentence sealed, which being there discussed, they passe a bill against the marriage.

In all these passages of publique counsels, I still observe, that the soveraigne lord either in best advise, or most necessitie, would entertaine the commons with the weightiest causes, either forreine or domestique, thereby to apt them and bind them to a readiness of charge, and they as warily avoiding it to shune expence.

To the King's most excellent Majesty.

The humble Petition of the Gentrie in your Majesties County of Yorke, now assembled at the Assizes in Yorke, the 28th of July, 1640.

The practice of billetting soldiers had been complained of as a grievance long before the Scottish wars, and was denounced as such in the parliamentary remonstrances; but its hardships must have been peculiarly felt in the northern counties in 1640, when, in fact, they had to support the Scottish army, as well as that of the king. This pressure seems to have occasioned the following petition. Many of the names attached to it were afterwards distinguished in the civil war, as Fairfax, Hotham, Stapleton, &c.

May it please your majesty,

Your most humble subjects show to your most sacred majestie, that in all humility, this countie hath indeavoured to fulfill your majesties commaunds, with the forwardest of your majesties subjects; and the last year, in the execution of your majesties royall command, about the military affayres, did expend an hundred thousand pounds, to our

great impoverishment, far above the proportion of other countreys, which, although at that time wee were very willing out of our desires to serve your majestie, yet, for the future, the burthen is soe heavy, that wee neither can, nor are able to beare it. Now, upon this our chearfulness to serve your majestie, wee hoped to have found equall favour with other countries.

But soe it is, most gratious sovraigne, to our great griefe, and (as wee conceive) to the great disservice of your majestie, wee find ourselves oppressed with the billetting of unrulie souldiers, whose speeches and actions tend to the burning of our villages and houses, and to whose violence and insolencies wee are soe daylie subject, as wee cannot say wee possesse our wives, children, and estates in safetie.

Wherefore wee are imbolden'd humbly to present these our complaints, beseeching your majestie, that as the billetting of souldiers in any of your subjects houses against their will, is contrarie to the ancient lawes of this kingdom, confirmed by your majestie in the petition of right; wee most humbly desire your sacred majesty, that this insupportable burthen may bee taken of from us, least, by their insolencies, some such sad accident may happen, as will bee much displeasing to your sacred majestie and your loyall and obedient subjects, who will never cease to pray for your majesties long and happy raigne over us.

Philj. Wharton	Will. Strickland	William Franckland
Fer. Farfax	Phil. Stapleton	Thom. Hebleswhaite
Hen. Belasses	Geo. Wentworth	Christo. Pearthghay
Will. Savill	Tho. Remington	Hen. Anderson
Fran. Worthley	Tho. Metham	Edward Gower,
Tho. Gower	Tho. Gower, jun.	Geo. Creby
Jo. Hotham,	Robert Strickland	Jo. Persey
Edw. Stanhop	John Ledgarum	Geo. Manwoud
Hen. Griffith	Geo. Butler	Brian Stapleton
Will. Sheffield	Fra. Mounton	Tho. Hesketh
Rich. Darley	Hen Chomeley	Ing. Hopton
Jo. Ramseden	Geo. Trotter	Jo. Aulaby
Hugh Chomeley	Hen. Darley	Maram Morclife,
Hue Bethel	Richard Remington	with others.

The Accusation and Impeachment of John Lord Finch, Baron of Fordwich, Lord Keeper of the Great Seal of England, by the House of Commons.

Printed, 1640.

The great statesman Strafford, and the greater, or at least more powerful churchman, Laud, having been indicted and imprisoned, the parliament proceeded against the Lord Keeper Finch. He appeared at the bar of the House of Commons, and made an animated and able defence. "Many," says Rushworth, "were exceedingly taken with his eloquence and carriage; and it was a sad sight to see a person of his greatness, parts, and favour, appear in such a posture, before such an assembly, to plead for his life and fortunes." But he was voted a traitor, upon the grounds expressed in the following articles. The Commons, who, in this particular case, had rather a design to strike terror than to punish the individual, proceeded with a deliberation and

indifference, very contrary to their rapid movements in the cases of Strafford and Laud. They continued the debate so long, that the accusation could not be brought up untill next day; while the Lord Keeper, having good information of what passed, took the opportunity to escape on board of ship, and fly into Holland.

IMPRIMIS,

That the said John Lord Finch, Baron of Fordwich, Lord Keeper, &c. hath traiterously and wickedly endeavoured to subvert the fundamental laws and established government of the realm of England, and, instead thereof, to introduce an arbitrary tyrannical government against law; which he hath declared by traiterous and wicked words, counsels, opinions, judgments, practices, and actions.

II. That, in pursuance of those his traiterous and wicked purposes, he did, in the third and fourth years of his majesty's reign, or one of them, being then speaker of the Commons House of Parliament, contrary to the commands of the house then assembled and sitting, deny and hinder the reading of some things, which the said house of commons required to be read, for the safety of the king and kingdom, and preservation of the religion of this realm; and did forbid all the members of the house to speak; and said, that if any did offer to speak, he would rise and go away; and said, nothing should be then done in the house; and did offer to rise and go away; and did thereby, and otherwise, as much as in him lay, endeavour to subvert the ancient and undoubted rights and course of parliaments. [1]

III. That he, being of his majesty's council, at the justice-seat held for the county of Essex, in the month of October, in the tenth year of his now majesty's reign, at Strafford-Langton, in the same county, being then of his majesty's council, in that service, did practise, by unlawful means, to enlarge the forest of that county many miles beyond the known bounds thereof, as they had been enjoyed near three hundred years, contrary to the law, and to the charter of the liberties of the forest, and other charters, and divers acts of parliament; and, for effecting the same, did unlawfully cause and procure undue returns to be made of jurors, and great numbers of other persons, who were unsworn, to be joined to them of the jury; and threatened and awed the said jurors to give a verdict for the king; and, by unlawful means, did surprise the county, that they might not make defence; and did use several menacing wicked speeches and actions to the jury, and others, for obtaining his unjust purpose aforesaid; and, after a verdict obtained for the king in the month of April following (at which time the said justice-seat was called by adjournment) the said John Lord Finch, then lord chief justice of his majesty's court of common pleas, was one of the judges assitants for them, and continued, by further unlawful and unjust practices, to maintain and confirm the said verdict; and did then and there, being assistant to be justice in eyer, advise the refusal of the traverse offered by the county, and all their evidences, but only what they should verbally deliver; which was refused accordingly. [2]

IV. That he, about the month of November, 1635, being then lord chief justice of the court of common pleas, and having taken an oath for the due administration of jus-

[1] Lord Finch, (then Sir John Finch) was speaker of the House of Commons in 1628, and started from his seat to leave the house, when Sir John Elliot made a speech containing some reflections on the Duke of Buckingham and other ministers. He also refused to read the remonstrance against the Lord Treasurer Weston, when parliament desired it.

[2] Finch, in his defence, stated, that it was true he had gone down into Essex, by the king's order, on information that the bounds of the forest were narrower than in truth they ought to be. That, accordingly, he had found upon record, a perambulation of the forest, about the 26th of Edward IV.; that he had invited the country to confer with him about it; but had never attempted to overthrow the charter *de Foresta*, which he had published and maintained as a sacred thing.

tice to his majesty's liege people, according to the laws and statutes of the realm, contrived an opinion *in hæc verba:* 'When the good and safety, &c.' and did subscribe his name to that opinion, and by persuasions, threats, and false suggestions, did solicit and procure SirJohn Bramston, then and now lord chief justice of England; Sir Humfrey Davenport, knight, lord chief baron of his majesty's court of exchequer; Sir Richard Hutton, knight, late one of the justices of his majesty's court of common pleas; Sir John Denham, late one of the barons of his majesty's court of exchequer: Sir William Jones, knight, late one of the justices of the said court of king's bench; Sir George Crooke, then and now one of the judges of the said court of king's bench; Sir Thomas Trevor, knight, then and now one of the barons of the exchequer; Sir George Vernon, knight, late one of the justices of the said court of common pleas; Sir Robert Barkley, knight, then and now one of the justices of the said court of king's bench; Sir Francis Crawley, knight, then and now one of the justices of the said court of common pleas; Sir Richard Weston, knight, then and now one of the barons of the said court of exchequer; some or one of them to subscribe with their names, the said opinion presently, and injoyned them severally, some or one of them, secrecy upon their allegiance.

V. That he the day of then being lord chief justice of the said court of common pleas, subscribed an extra-judicial opinion in answer to questions in a letter from his majesty, *in hæc verba*, &c.

And that he contrived the said questions, and procured the said letter from his majesty; and, whereas the said Justice Hutton and Justice Crooke declared to him their opinions to the contrary; yet he required and pressed them to subscribe, upon his promise that he would let his majesty know the truth of their opinions, notwithstanding such subscriptions, which, nevertheless he did not make known to his majesty, but delivered the same to his majesty as the opinion of all the judges.

VI. That he, being lord chief justice of the said court of common pleas, delivered his opinion in the exchequer chamber, against Master Hampden, in the case of ship-money; that he, the said Master Hampden, upon the matter and substance of the case, was chargeable with the money then in question; a copy of which proceedings the commons will deliver to your lordships, and did sollicit and threaten the said judges, some or one of them, to deliver their opinions in like manner against Master Hampden; and, after the said Baron Denham had deliverd his opinion for Master Hampden, the said Lord Finch repaired purposely to the said Baron Denham's chamber, in Serjeant's Inn, in Fleet-street, and, after the said master Baron Denham had declared and expressed his opinion, urged him to retract the said opinion; which he refusing, was threatened by the said Lord Finch, because he refused.[z]

VII. That he, then being lord chief justice of the court of common-pleas, declared and published in the Exchequer-chamber, and western circuit, where he went to judge, that the king's right to ship-money, as aforesaid, was so inherent a right to the crown, as an act of parliament could not take away; and with divers malicious speeches inveighed against and threatened all such as refused to pay ship-money; all which opinions, contained in the fourth, fifth, and sixth articles, are against the law of the realm, the subjects right of property, and contrary to former resolutions in parliament, and to the petition of right; which said resolutions and petition of right were well known to

[z] These last accusations refer to the celebrated case of ship-money. The commons, according to Clarendon, were desirous that the charge founded upon that imposition should not be agitated, but hang like a meteor over the heads of those that were in any degree concerned. But, notwithstanding their efforts, it was brought into question in this case of Finch, who was considered as the avowed factor and procurer of that odious judgment.

him, and resolved and enacted in parliament when he was speaker of the commons house of parliament.

VIII. That he, being lord-chief-justice of the court of common-pleas, did take the general practice of that court to his private chamber; and that he sent warrants into all, or many shires of England to several men, as to Francis Giles, of the county of Devon, Robert Benson, of the county of York, attornies of that court, and to divers others, to release all persons arrested on any outlawry about forty shillings fees, whereas none by law so arrested can be bailed or released, without a supersedeas under seal, or reversal.

IX. That he, being lord chief justice of the court of common-pleas, upon a pretended suit begun in Michaelmas term, in the eleventh year of his majesty's reign, although there was no plaint or declaration against him, did notoriously, and contrary to all law and justice, by threats, menances, and imprisonment, compel Thomas Laurence, an executor, to pay nineteen pounds twelve shillings; and likewise caused Richard Barnard, being only overseer of the last will of that testator, to be arrested for the payment of the said money, contrary to the advice of the rest of the judges of that court, and against the known and ordinary course of justice, and his said oath and knowledge, and denied his majesty's subjects the common and ordinary justice of this realm, as to Master Limericke, and others; and, for his private benefit, endamaged and ruined the estates of very many of his majesty's subjects, contrary to his oath and knowledge.

X. That he, being lord-keeper of the great seal of England, and sworn one of his majesty's privy-council, did, by false and malicious slanders, labour to incense his majesty against parliaments, and did frame and advise the publishing the declaration, after the dissolution of the last parliament.

All which treasons and misdemeanors, above mentioned, were done and committed by the said John Lord Finch, baron of Fordwich, lord-keeper of the great seal of England; and thereby he, the said Lord Finch, hath traitorously, and contrary to his allegiance, laboured to lay imputations and scandals upon his majesty's government, and to alienate the hearts of his majesty's liege people from his majesty, and to set a division between them, and to ruin and destroy his majesty's realm of England; for which they do impeach him, the said Lord Finch, baron of Fordwich, lord-keeper of the great seal of England, of high treason against our sovereign lord the king, his crown and dignity, of the misdemeanors above mentioned. And the said commons, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any other accusation, or impeachment, against the said Lord Finch, and also of replying to the answer that the said John Lord Finch shall make unto the said articles, or to any of them, and of offering proof of the premisses, or any of their impeachments or accusations that shall be exhibited by them, as the case shall, according to the course of parliaments, require, do pray, that the said John Lord Finch, baron of Fordwich, lord-keeper of the great seal of England, may be put to answer all, and every the premisses, and such proceedings, examinations, trials, and judgments, as may be upon every of them had, and used, as is agreeable to law and justice.

To the Kings most excellent Majestie, The humble Petition of your Majesties most loyal Subjects the Grand Jurie impennell'd 11*th July*, 1640, *to serve at the general Assizes holden for the Countie of Berkshire, in the Behalfe of themselves and the Rest of the Body of the Countie.*

SHEWETH, That whereas the petitioners have beene of late yeares, and still are, much burdend with sundry grievances, of divers natures, deriving their authoritie from your majestie, but beeing directly contrarie to your majesties lawes, established in this your kingdom, the chiefe of them presenting themselves in a schedule hereunto annexed, for redresse whereof, (as your petitioners hoped,) your majestie was gratiously pleased, about the midle of April last, to assemble your greate councell, commonly called the high court of parliament, and some 3 weeks after to dissolve it, for want (as it seems to your petitioners,) of a good agreement betwixt the two howses, and never the lesse since the dissolution, to expresse such a fatherly care of your poore people, that your majestie hath vouchsafed by your printed declaration, to invite them to the powring out of their complaints unto your princely eare.

It may therefore please your most excellent majestie, to take the sayd particulars into your tender consideration, and to give your petitioners such ease therein, as in your royall wisedom shall seeme fitt, and whereby it may appear to all your majestie's subjects, especially those of your majesties most honourable privie-councell, and your other officers and ministers of justice, that your majestie is resolved to continue unto them, all their rights and liberties which they desired by their petition of right, and were confirmed by your majestie in the 3d yeare of your reigne, and your petitioners as bounden shall ever, &c.

A Schedule of such Grievances as doe most oppresse this Countie.

I. The illegall and insupportable charge of ship-mony, now the 5th yeare imposed as high as ever, though the subject was not able to pay the last yeare, being but a third.

II. The new taxe of coate and conducte mony, with the undue meanes used to inforce the payment of it, by messengers from the councell table.

III. The compelling some freemen by imprisonment and threatnings to take pressemony, and others, for feare of the like imprisonment, to forsake their places of habitation, hiding them selves in woods; whereby their families are left to bee maintained by the parrish, and harvest worke undone for want of labourers.

IV. The infinite number of monopolies upon every thing (almost) the country must buy, beside the easterne part of this county, nere your majesties forrest of Windsor, is particularlie burthened, 1. With the unmeasurable increase of deare, which, if they shall goe on for a few more years, will leave neither food nor roome for any other creature in the forrest. 2. With the rigid execution of the forrest lawes in their Extremities. 3. With exaction of immoderate fees by some officers under the lord-chiefe-justice in eares.

The Priviledges of the House of Commons in Parliament assembled, wherein 'tis proved their Power is equall with that of the House of Lords, if not grea er, though the King joyn with the Lords. However it appears, that both the Houses have a Power above the King, if he vote contrary to them. All which is proved by severall Presidents taken out of Parliament Rolls in the Tower.

By P. B. Gentleman.

It seems frequently to have been apprehended, by the leaders of the Commons, in the stormy period which preceded the civil war, that the crown might regain its natural ascendancy over the House of Peers, and thus be enabled to balance the influence of the Lower House, without having recourse to the obnoxious expedient of denying the royal assent to bills which had past both Houses. The following tract endeavours to muster authority to show, that the power of the Commons is paramount to that of the other two branches of legislature when united; and, at least, clearly to establish, that the Upper and Lower Houses united could constitutionally make laws, even when the Crown's assent was refused. When the parliament, however, found themselves reduced to the necessity of an expedient, by the use of the word *ordinance*, instead of statute, or act of parliament, they produced a species of enactment, new indeed to the constitution, but to which their power gave the full authority of undisputed law. This expedient was resorted to, when the king, having refused the bill for settling the militia, the Houses proceeded to resolve, "That the kingdom should be forthwith put into a posture of defence, by the authority of both Houses, in such a way as had been formerly agreed on by both Houses."

When, after the period of the Saxon time, Harold had lifted himself into the royall seat, the great men, to whom but lately he was no more than equall, either in fortune or power, disdaining that act of arrogancy, called in William, then Duke of Normandy, a prince more active then any in these western parts, and renowned for many victories he had most fortunately atchieved against the French king, then the most potent monarch in Europe.

This duke led along with him to this work of glory, many of the younger sonnes of the best families of Normandy, Picardy, and Flaunders, who, as undertakers, accompanyed the undertaking of this fortunate man.

The usurper was slain, and the crown by this duke was gained; and to secure certain to his posterity what he had so suddenly gotten, he shared out his purchase, retaining in each county a portion to support the dignity, soveraign, which was styled *demenia regni;* and assigning to the rest of his adventurers, such portions as suited to their quality and expence, he retained to himself, dependancy of their personall service, except such lands as in free alms were the portion of the church; and these were styled *barones regis*, the kings immediate freeholders, for the word *baro* imported them no more.

Now as the king to these, so these to their followers, subdivided part of their shares into knights fees, and their tennants were called *barones comites*, for we (as in the kings writs) in their writs, *baronibus suis et Francois et Anglois*, the soveraign gifts for

the most part extending to whole counties, or hundreds; an earl being lord of the one, and a baron of the inferiour donations to lords of townships or mannors.

And as the land, so was all course of judicature divided, even from the meanest to the highest portion, each severall had his court of law; preferring still the manner of our ancestors, the Saxons, who *jura per pages reddebant;* and these are still termed court-barons, or the freeholders-court, twelve usually in number; who with the thame or chief lord were judges.

The hundred that was next, where the *hundredus* or *aldermanus*, lord of the hundred, with the chief lord of each township within their lymits were judges.

The county or *generale placitum* was the next. This was to supply the defect, or remedy the corruption of the inferiour courts. *Ubi curiæ Dominorum probantur defecisse, pertinet ad vicecomitem provinciarum;* and the judges here were *Comites, Vicecomites, et Barones Comitatus qui liberas terras habbebant.*

The last and supreme (and upon which I am to treat) was *generale placitum apud London, Universalis Synodus* in the charters of the conqueror, *Capitalis curia* by Glanvile, or *magnum et commune consilium coram rege et magnatibus suis.*

In the rolles of Henry the Third, it is not stative, but summoned by proclamation, *Edicitur generale placitum apud London,* (saith the book of Abingdon) whether *Epium Duces principes, Satrapæ rectores, et causidici ex omni parte confluxerunt ad istem curiam,* saith Glanvile: Causes were referred, *propter aliquam dubitationem quæ emergit in Comitatu, cum comitatus nescit de judicare.* Thus did Ethelweld, bishop of Winchester, transferre his suit against Leostine from the county, *ad generale placitum*: In the time of king Etheldred, queene Edgine against Goda from the county, appealed to king Etheldred, at London, *Congregatis principibus et Angliæ sapientibus.* In the tenth yeer of the conqueror, *Episcopi, Comites, et Barones Regni ad Universalem Synodum pro causis audiendis et tractandis convocati,* saith the book of Westminster; and this continued all along in the succeeding kings raign, untill towards the end of Henry the Third.

As this great court or councell, consisting of the king and barons, ruled the great affairs of state, and controuled all inferiour courts; so were there certain officers, whose transcendant power seemed to be set to bound in the execution of princes wills, as the steward, constable, and marshall, fixt upon families in fee for many ages; they as tribunes of the people, (or *explori* among the Athenians) grown by unmanly courage, fearfull to monarchy, fell at the feet and mercy of the king, when the daring earl of Leicester was slain at Evesham.

This chance, and the dear experience Henry the Third himself had made at the parliament at Oxford, in the fortieth yeer of his raign, and the memory of the many streights his father was driven unto (especially at Rumney-mead, near Stanes) brought this king wisely to begin what his successor fortunately finished, in lessening the strength and power of his great lords; and this was wrought by searching into the regality they had usurped over their peculiar sovereigne, whereby they were, as the book of Saint Albans termeth them, *Quot domini tot tiranni;* and by the weakning that hand of power which they carried in the parliaments, by commanding the service of many knights, citizens, and burgesses, to that *Magnum consilium*, or *generale placitum*, which we still call parliament.

Now began the frequent sendings of writs to the commons, their assent being used not only in money, charge, and making of laws, (for before all ordinances were passed by the king and peers) but their consent is likewise used in all judgments of all natures, either civill or criminall: In proof whereof, I will produce some new presidents out of record.

When Adamor, that proude prelate of Winchester, the kings half brother, had grieved the state by his daring power, he was exiled by joynt sentence of the king, the lords,

and commons; and this appears expressly by the letter sent from pope Alexander the fourth, expostulating a revocation of him from banishment, because he was a churchman, and so not subject to any censure; to this the answer was, *Si dominus Rex et regni Majores hoc vellint* (meaning his revocation) *Communitas tamen ipsius ingressum in Angliam nullatenus sustineret.* The peers subsigned this answer with their names; and *Petrus de Mountford vice totius communitatis*, as speaker of the house of commons. Lib. S. Alban. fol. 20. *anno* 44. H. 3.

And by that style, Sir John Tiptofe, prolocutor, affirmeth under his arms, the deed of intail of the crown by king Henry 4. in the 8. yeer of his raign, for all the commons.

The banishment of the two Spencers in Edward the Seconds time, *prælati Comites et Barones et les auters Peers de la terra et Communes de le Roialme*, give consent and sentence to the revocation and reversment of the former sentence; the lords and commons accord, and so it is expressed in the roll.

When Elizabeth, the widdow of Sir John de Burgo complained in parliament, tha Hugh Spencer the younger, Robert Boldock, and William Clife, his instruments, had by duresse, forced her to make a writing to the king, whereby she was despoiled of all her inheritance; sentence is given for her in these words, *Pur ceo que avis est al Evesques Counts et Barones et les autors grandes, et a tout Cominalte de la terre que le dit escript est suit encounter le ley, et tout manner de raison si suist le dit escript per agard del parliament dampne elloques al liure a le dit Elizab.*

In *anno* the fourth of Edward the Third, *Parl. Prim. rot.* 11. it appears by a letter to the pope, that to the sentence given against the earl of Kent, the commons were parties, as well as the lords, or peers; for the king directed their proceedings in these words: *Comitibus Magnatibus Baronibus et alliis de Communitate dicti regni ad Parliamentum illud congretatis injunximus ut super his discercerent et judicarent quod rationi et justitiæ conveniret, et habebent pro oculis solum deum qui eum concordi, &c.*

When, in the fortieth yeer of Edward the Third, the lords had pronounced the sentence against Richard Lions, otherwise then the commons agreed to, the commons appealed to the king himself, and had redresse, and the sentence entred to their desires; yet this does not prove that the kings power is so farre beyond the parliaments, as that he can do what he will, notwithstanding them.

When, in the first yeer of Richard the Second, William Weston and John Jennings were arraigned in parliament, for surrendring certain forts of the kings, the commons were parties to the sentence given against them, as appears by a memorandum annexed to that record.

In the first of Henry the Fourth, although the commons referred by protestation, the pronouncing of sentence of deposition against Richard the Second, unto the lords; yet they are equally interested in it, as it appears by the record. For there was made proctors or commissioners for the whole parliament, one B. one abbot, one earl, one baron, and two knights, Grey and Erpingham, for the commons; and to inferre, that because the lords pronounced the sentence, the point of judgment should be only theirs, were as absurd as to conclude, that no authority was left in any other commissioner of oyer and terminer, then in the person of that man solely that speaks the sentence.

In the second of Henry the Fifth, the petition of the commons importeth, no lesse then a right they had to act and assent to all things in parliament, and so it was answered by the king; and had not the adjournall roll of the higher house bin left to the sole entry of the clark of that house (who, either out of his neglect to observe due forme, or out of purpose to obscure the commons right, and to flatter them, which he immediately served) there would have been frequent examples of all times to clear this doubt, and to preserve a just interest to the common-wealth; and most conveniently doth it suite with monarchy to maintain this forme, least others of that well-framed body, knit

under one head should swell too great and monstrous: Monarchy again may sooner groan under the weight of aristocracy as it once did, then under democra y, which it never yet either fel or feared.

Ovatio Carolina. The Triumph of King Charles, or, The Triumphant Manner and Order of receiving his Majesty into his City of London, on Thursday the 25th Day of November, Anno Dom. 1641, *upon his safe and happy Return from Scotland. With Master Recorder's Speech to his Majestie, and his Majestie's most gracious Answer.*

This contains an account of a solemnity, in which the last beams of popular favour shone on the unfortunate Charles. The occasion is thus mentioned by Clarendon:

" Notwithstanding all these contrivances to lessen the reputation of the court, (to which many other particulars contributed,) the city of London made great preparations to receive the king. Gourney, then lord mayor, was a man of wisdom and courage; and expressed great indignation to see the city so corrupted by the ill artificers of factious persons; and therefore attended upon his majesty, at his entrance into the city, with all the lustre and good countenance it could shew, and as great professions of duty as it could make, or the king expect. And on Thursday, the five-and-twentieth of November, the king entred into London; received with the greatest acclamations of joy that had been known upon any occasion; and, after a most magnificent entertainment by Sir Richard Gourney, lord mayor, at the Guild-hall, where the king, queen, prince, and the whole court of lords and ladies were feasted, his majesty was attended by the whole city to Whitehall, where he lodged that night."—Clarendon's *History*, I. 322. 8vo.

That princes have been oft times received in triumphant manner by their subjects, either after the subduing of a nation by force of arms, or the quiet pacification of a people without bloodshed, is a thing not novel: none but they that are not versed at all, in the antient monuments of time, are ignorant of it.

The Roman stories (to omit others) tell us, that they had two sorts of triumphs in use among them; one for those of the first kind, wherein they led their principal enemies captived in chains, and these conquerours were received by the people with musical instruments of war, they themselves being crowned with laurel, and sacrificing (*Taurum*) a bull (the emblem of blood) together with some of the chief captives: The other sort were entertained with musical instruments of peace, and feasting, being crowned with myrtle, and sacrificing (*Ovem*) a sheep, the hieroglyphique of peace, whence this triumph was called *Ovatio:* And though with them (being heathen) this was called *triumphus minor*, the lesser triumph, and so by them reputed; yet with us (Christians, who serve and worship the Prince of Peace) it is and ought to be accounted *major*, the greater and more honourable.

Our own stories can report unto us, that this triumphant reception of our princes hath been frequent in use amongst us, and our own memories may inform us, that, upon ordinary occasions, even upon their removal from one house of theirs to another, (and that annually) solemn attendance upon them by the citizens of London hath been in practice, to express their love and hearty affections to them.

No mervail then, if, upon so happy an expedition, and safe return of our royal king, the city of London (his majesties royal chamber) should express its joy, in so solemn and dutiful a manner, as lately it hath done. Were it only in regard of his majesties great wisdom and moderation in composing an unnatural war, and settling a peace between two of his own kingdoms without expence of blood, it had been warrant sufficient, for the erecting of trophees to his majesties perpetual memory, and to have received him with all the honour could be devised: But if we shall add to this, the removal of their just fears, and the reviving of their dejected spirits by his safe and happy return, no man but will conclude, that the citizens of London have done nothing more (if not far less) than by duty they were bound: And if they had not performed that they did, the very stones in the streets would have proclaimed to the world their ingratitude to God and his majesty.

For certainly much dejected we have been, yea, altogether heartless, since the rays of his majesty (our great luminary) were over-clouded by his absence from us. To use one prophet's words in another case, "Did not our hearts go along with him?" Yes, and tarryed with him too: Insomuch as we have remained (as it were) without them ever since his majesties departure, and have seemed like dead men.

And indeed, how could we be in better case? For if another prophet could say, in the case of king Josias, *Spiritus Oris*, the "breath of our nostrils is departed from us," how could we (during the time of his majesties absence) but say the like? And if breathless, we could not be but liveless sure.

But the now joyful, happy, and comfortable return of the sun into our horizon hath restored our hearts and revived us: And if this return had nothing concomitant with it, yet had it been sufficient of it self to reduce us to our pristine estate, but that it entred, and that into our particular orb, accompanied with that other luminary, (which by the interposition of the earth between the other light and her,) hath (if it may not be said) been ecclipsed, yet (not vouchsafed that splendour we had in former times by her in our hæmisphere,) we are not only fully recovered, but much more strength and vigour is added to us than formerly we had.

This grace and favour of their majesties to us in particular, and this great blessing of God, upon all good subjects in general, for this happy peace and safe return, is not to be parallel'd in any history; it is *exemplar sine exemplo*, a samplar not to be pattern'd: And therefore no praise to God, nor thanks, nor obedient service to his majesty, can be sufficient to express it.

By this little (though much more might be said) it may be hoped, that the mouths of all pasquillers may be stopped. For if the Heathen could honour their princes, sometimes upon ridiculous expeditions, only because they were their princes, (as we read of that for Caligula, who returned to Rome in triumph, having only gathered cockle-shels near our coast) how much more stand we bound to manifest our affections, in honour of our gracious sovereign, not only for this great and princely work of his, in setling peace and unity between his people, by mansuetude and mildness, but for vouchsafing this seasonable and timely visit, in his return, to this his dejected city.

What remaineth then, but that this mutual act of love between his majesty and the city (occasioned as aforesaid) be kept in perpetual memory? Had not things of this nature been formerly recorded for posterity, we might have wanted president, and this might have been accounted (as some things in these times are) an innovation.

That, therefore, we may do no less for succeeding times, than former have done for us, we shall describe the particulers of this days great work: That is the bounden duty and service to his majesty by his loyal subjects the citizens of London, and the honour returned by his majesty for it.

Which (for the more clear apprehension of those which were not spectators of it) we shall set down in this method.

1. The preparation before the day.
2. The days work, or entertainment in it self.
3. What occured after, yet having relation to the work of the day.

The Preparation.

The orator long since hath told us, that *in rebus magnis, memoriaque dignis, consilia primum, deinde acta spectantur*, In great matters, worthy of perpetual memory, we are to consult before the act. And the reason for this is given by another, *Quicquid diligenter prævidetur, cum ad rem agendam perventum fuerit, facilius superatur*, Whatsoever is carefully thought upon before hand, is with more ease affected, when it comes to execution. And therefore the right honourable the lord-mayor, and the rest of the grave senate of the city of London, the aldermen his brethren, being advertised, that his majesty, in his happy return from Scotland, would graciously condescend to pass through the city, with his royal consort the queen, (the prince, and other of the princely issue) as a court among themselves, took into their considerations, how to give entertainment fit for his majesties gracious acceptance. And thereupon they selected a committee of six aldermen and twelve commoners, who should meet, consult, and order, what they in their discretions should think fit, to conduce to the honour of the city, and the acceptance of his majesty: Yet, before these committees should effect any thing herein, it was thought requisite to assemble a common-council, as well to understand the affections of the commons, as to confirm those committees chosen by the lord-mayor and court as aforesaid.

The matter being propounded there, was entertain'd with an unanimous consent and general approbation, and the before mentioned committees were by the court confirmed: Who thereupon met daily, bending all their thoughts how to satisfie the trust imposed on them: And calling before them the officers of the city, directed them, what they should do, charging them to leave nothing undone, which either art, labour, or cost, (in so short a time) could compass.

More particularly. In the first place, their especial care was, to give order, as well to the steward, cook, butler, and confectioner, to make speedy provision of all things, fit for the royal feasting of their majesties, and their princely train; as to the officers of the city works, that the Guild-hall might be prepared, and made ready, for the due and respective receiving of them

The next was, that precepts might be speedily directed to the several societies and companies of the city, that, against the day their majesties should come, there should be some of the prime men chosen out of their liveries, that should be in readiness to attend the lord-mayor and aldermen, in their best array (either velvet, plush, or satin) and chains of gold, upon good horses well appointed, and each rider to have a footman to attend him, to meet their majesties, and conduct them, first to Guild hall, and afterwards to his majesties royal palace of Whitehall. As also, that out of the residue of their companies, some should be appointed to wait in their several standings in their liveries, from their majesties entrance into the city, to Temple Bar, to which purpose the committee gave order and directions where every several companies standings should be set up. And, lastly, that others should be nominated to attend in the Guild-hall upon their majesties in their liveries and foyns likewise, from the time of their coming thither to their departure thence.

Another care of the committee was, that (the way from Kingsland to Shore ditch being impassible for their majesties, in regard of the depth and foulness of it) a way might be prepared from thence to that place of the city where their majesties should

enter, as might not be only fair and clean, but as pleasant also, and delightful, as the season of the year would permit, and that the streets (all the way they should pass) might be paved, where need was, and made sweet and clean.

And because some seditious libels were at that time dispersed, which bred a panique fear in some, order was likewise taken, that there should be two companies of the city trained bands, placed in several parts of the city upon that day; as also that at every door a man should be placed, sufficiently appointed, to be ready upon all occasions to appease any disorders.

Lastly, out of the said committee, two of the city captains were designed as chief marshals for the day, to have the command over the other three marshals, that were officers of the chamber, and to order, direct, and marshal the horsemen. As also four other of the committee were appointed as comptrollers of the house, to whom all inferior officers should have recourse upon any occasion, and to direct and order the liveries, which were to attend upon their majesties service, and generally to dispose all other things, conducing to the entertainment in Guild-hall.

And thus much briefly for the preparation.

Now for the Entertainment itself.

Upon Thursday, being the five and twentieth of November 1641, the knights of the gray cloke, master recorder, the rest of the aldermen, city council, and chief officers, as town-clerk, common serjeant, and remembrancer, attended the lord mayor[1] at his lordships house in the Old Jewry, by eight of the clock in the morning: from whence they advanced through the city to Moorgate, in this manner. The lord mayor, (having the sword-bearer and two mace-bearers before him, on horse-back and on foot-cloths, and two footmen in black velvet coats, on each side one, his lordship wearing a gown of crimson velvet and a collar of esses) rode in the front, the knights aforenamed, master recorder, and the aldermen following, according to their seniority, two by two, in scarlet gowns, attended by two footmen apiece, suited in the city colours, each of which footmen being appointed to carry a truncheon in his hand for the fore-noon, and two torches for the afternoon. Next to them followed the city council, and chief officers in black gowns, upon foot-cloths, each of them having a footman going by them, suited, and fitted as aforesaid.

In this equipage they passed through the city, from his lordships house to Moorfields, where there waited in a readiness to attend his lordship, and the service, about five hundred horsemen, selected out of the liveries of the several companies of the city, being the masters, wardens, and prime men of each company, in velvet, or plush coats and suits, with chains of gold, and being well horsed, and gallantly furnished: every company, having a horseman in the front, carrying a pendant with that companies arms to which he did belong (for distinctions sake) and a footman to attend each horseman of the livery, with truncheons, and torches as before: both horsemen, with the pendants, and footmen, being suited *cap a pe* with the companies colours on which they waited. There were also fourteen trumpeters, with trumpets, banners, and scarffs, who were placed two between every hundred of the horse, and four at the head of the troop.

The lord-mayor (being thus attended) rode on with the knights, master recorder, the aldermen, city council and chief officers, as before, and after them the five hundred

[1] Sir Matthew Gurney, who was knighted upon the occasion. He was a determined royalist; nor were the parliament party able fully to avail themselves of the inclinations of the city in their favour, until he was removed from office.

horsemen, according to the several ranks of the companies, the lord mayors company (the cloth-workers) being foremost, then mercers, and the rest, according to their order.

They all advanced in comely manner, through the fields (the banks being cast down, and bridges of fourteen foot wide, being made over the ditches, for better and more secure passage) till they came beyond Balmes (a retiring house of Sir George Whitmore's) in the fields next adjoyning to Kingsland. The night before being rainy, and the morning gloomy and cloudy, the lord-major commanded his tent to be pitched in the field, where his lordship, the knights, master recorder, and the aldermen, were to attend their majesties. In the tent were seats and formes, where his lordship and some of the nobility reposed themselves, till their majesties came.

In the mean time, the two sheriffs of London and Middlesex, attended by seventy two men in scarlet clokes, trimm'd with silver lace (the colours of the city) with javelins and feathers, and four trumpeters, rode as far as Stamford Hill, between Newington and Tottingham; where they stayed, while their majesties came from Theobalds (where they lay the night before) who (after they had done their respective duties, and kissed their majesties hands) conducted them to the field, where the lord mayor, the nobility, and aldermen, waited for them.

His majesty came into the field about ten of the clock, in a coach, he sitting on the right side of it, and her majesty on his right hand, the prince, the Duke of York, and the Princess Mary being within the coach, and the Prince Elector Palatine, and the Dutchess of Richmond, sitting on the other side, their majesties being attended by divers honourable lords and ladies. When the coach came against the lord mayors tent, his majesty caused it to stay, where divers of the nobility that had attended his coming there, presented themselves to his majesty, and joying in his safe return, kissed both their majesties hands.

After which, the lord mayor, knights, master recorder, and aldermen, presented themselves likewise, in humble manner, to his majesty. The lord mayor tendred the city sword and scepter to him, who re-delivered them to his lordship, where, kneeling (together with master recorder) by the coach side, master recorder made a grave, pithy, and short speech to his majesty, as followeth:

May it please your Majesty,

This is a day of exceeding great joy to your citizens of London, joy exalted to the highest degree, to see you return in safety, after a long absence, and to see this happy meeting with your dearest consort, our good and gracious queen, and with these blessed children, that are the fruits of your loves, and pledges to us of a fruitful and hopeful succession.

I can truly say this from the representative body of your city, from whence I have my warrant: They meet your majesty with as much love and affection as ever citizens of London met with any of your royal progenitors, king, or queen of this kingdom; and with as hearty a desire to shew itself fully. Pardon their failures, where you meet with any.

We tender unto you no formal present, it would but lessen us: I am sure, what ever it were, it would be far short of our meaning.

We present unto you our hearts and affections, hearts of true subjects, full of loyalty to you our king and soveraign.

'Tis true, in this we offer your majesty but your own, they were by just right yours before. But upon this new enlifening and expression, be pleased to take them as a new gift; we offer them cheerfully, vouchsafe to accept them graciously, and with the influence of those excellent and princely virtues, which we know, by great assurance, to be eminent in your royal person, the defence of our establisht religion,

and the clear current of your justice from the fountain, through the streams; be pleased to cherish them.

Vouchsafe, likewise, to uphold and countenance that ancient form and frame of government, which hath been long establisht in the city: That power and authority of yours, which you have committed to your lord mayor, your true and faithful subject and servant, and the fit reverence and respect due to the aldermen his brethern, who are to assist him in his government: We shall be thereby the better enabled to serve your majesty, and constantly to render to you the fruits of true obedience: And (as our duty binds us) we shall never cease to bless you, and pray for you, and your dearest consort, our gracious queen, and for this your royal and princely offspring: for your majesties long life, and prosperous reign over us, in peace and glory, and with full contentment: And I doubt not but every true subject will joyn with us in this, and say, Amen.

These expressions of joy, of love, of loyalty, and these hearty wishes and desires, which I have mentioned, I meet with every where from your citizens of London. They are the soft and still musick prepared for your majesties welcome and entertainment this day: The joyful acclamations of your people, upon the sight of your royal person, will make it louder, and all cheerfully bearing their agreeing parts together, shall I hope this day make up to your majesty a full and pleasing harmony.

To which His Majesty made this gracious answer:

Master Recorder,

I must desire you (because my voice cannot reach to all those that I desire should hear me) to give most hearty thanks to all the good citizens of London, for their hearty expressions of their love this day to me. And indeed I cannot express the contentment I have received therein: For now I see, that all these former tumults and disorders have only risen from the meaner sort of people; and that the affections of the better, and main part of the city have ever been loyal and affectionate to my person and government.

And likewise, it comforts me to see, that all those misreports, that have been made of me in my absence, have not the least power to do me prejudice in your opinions, as may be easily seen by this days expression of joy.

And now I think it fit for me to assure you, that I am returned with as hearty and kind affection to my people in general, and to this city in particular, as can be desired by loving subjects. The first I shall express by governing you all, according to the laws of this kingdom, and in maintaining you in your full liberties, but chiefly in maintaining and protecting the true Protestant religion, according as it hath been established in my two famous predecessors times, Queen Elizebeth and my father. And this I will do (if need be) to the hazard of my life, and all that is dear unto me.

As for the city in particular, I shall study by all means their prosperity: And I assure you, I willingly grant those few reasonable demands you have now made unto me, in the name of the city. Likewise I shall study to re-establish that flourishing trade, which now is in some disorder amongst you, which I doubt not to effect with the good assistance of the parliament.

One thing I have thought of, as a particular testimony of my affection to you, which is, to give back unto you freely that part of London Derry, which heretofore was evicted from you. This I confess (as that kingdom is now) is no great gift: But I intend, first to recover it, and then to give it to you whole and intirely. And for the legal part of this, I command you, master recorder, to wait upon me, to see it punctually performed.

I will end as I began, to desire you, master recorder, to give all the city thanks, in better expressions than I can make: Though I must tell you, it will be far short of

that real contentment I find in my heart, for this real and seasonable demonstration of their affections to me.

His majesty having ended this gracious speech, was pleased to confer the honuor of knighthood upon the lord mayor and master recorder, with the city sword: both their majesties graciously giving their hands to kiss, to them, as also to the knights, aldermen, city council, and officers.

After these things done, his majesty and the prince alighted from the coach, and took their horses; the queen, duke of York, princess Mary, prince elector, and the dutchess of Richmond, remaining still in the coach.

In the meantime, by the care and pains of the two captains of the committee, and of the three marshals that were appointed for this days service, the five hundred horsemen of the liveries, and their attendants, were brought into a body, and set in order as before; and, facing about, the whole company set forward, to conduct their majesties into London, the sheriffs men being placed in the front, and the inferiour companies following them, and the rest of the companies after them, the lord mayor's company being next to the aldermen; and, advancing in a seemly order, they made such a gallant show, that their majesties and the prince took great delight and content to behold them.

The nobility and others of his majesties train were marshalled by the officers of arms, so that the whole order was in this manner.

The City Marshal.

The Sheriff's Trumpeters.

The Sheriff's Men.

Citizens in velvet coats and chains.

The City Council and Officers.

The Aldermen.

The Prince's Trumpeters.

[1] Messengers of the Chamber.

The King's Trumpeters.

Gentlemen of the Privy Chamber.

Knight Marshall.

Pursivants at Arms.

The Lord Chief Justice of the Common-Pleas, being a Knight of the Privy Council.

Barons.

Lord Goring — Lord Coventry
Lord Fielding — Lord Digby
Lord Mowbray.

[1] "In placing of the messengers, an error was committed, for they should have followed the sheriff's men."—*Original Note.*

Viscount Conway.

Heralds.

Earles.

Earl Rivers — Earl of Bath
Earl of Cumberland
Earl of Essex, Lord Chamberlain of the King's House.

Duke of Richmond.

Clarenceaux and Norroy.

Lord Keeper. — Lord Privy Seal.

Serjeants at Arms, among whom one for the City.

Quirrys and Footmen. { THE PRINCES HIGHNESS. } Quirrys and Footmen.

Garter { The Lord Mayor, carrying the City Sword, by his Majesties special appointment, as a grace and favour at this time. } { A Gentleman Usher daily waiter. }

Lord Great Chamberlain { Marquess Hertford, bearing the Sword of State. } { Earl Marshal.

THE KINGS MAJESTY.

The QUEENS MAJESTY in her Coach richly embroydered, and with her, the Duke of York, the Princess Mary, and the Prince Elector.

Marquess Hamilton, master of the Horse, leading the Horse of State.

The Earl of Salisbury, Captain of the Pensioners.

The Gentlemen Pensioners, with their Pole-axes, all mounted with Pistols at their Saddles.

The Earl of Holland, Lord General beyond Trent; and after him Viscount Grandison, with many other Principal Commanders in the late Northern Expedition.

After them, divers Ladies, and other great Personages of note.

The Yeomen of the Guard.

They all entered the city at Moorgate, where their majesties were welcomed with a noise of trumpets, appointed to attend there to that purpose; from which place to Bishopsgate, and so through Cornhill to St Lawrence lane end in Cheapside, the companies in liveries stood on the left hand, as their majesties passed by; the rails of the standings being covered with blue cloth, and the standings themselves being richly adorned with banners, ensigns, and pendants of the arms of each company respectively; nine companies of the 12, standing in the morning, the lord mayor's company beginning against St Lawrence lane end, and the other eight in their order, towards Bishopsgate, the rest of the way where they left, to Moorgate, being supplied by some of the inferiour companies; the outside of the houses, all the way their majesties passed, being beautified with rich tapestry.

On the north side of the street (four foot distant from the houses) were rails placed, to regulate and keep the people in good order, from Bishopsgate to Cornhill, and so to Temple bar. At the beginning of which rails, (viz. at Bishopsgate, by the direction of the two captains and three marshals) the first horsemen of the liveries began to make a stand; the first rank of them placing themselves single, faced to the liveries that were in the standings, and the rest (passing along) placed themselves in the same order; the trumpets and pendants of each company standing in the front, and then the companies themselves; the youngest being next to the pendant, and so upwards by seniority, to the master of the company, who took his place last; then began the pendant and youngest of the next company to make their stand as the former, till they came to St Lawrence lane end, there being five foot distant from one horse to another, in which space stood each horseman's footman, with a truncheon in his hand; making by this means a guard for their majesties, and the rest of the train. And it fell out, that most of the companies of horse were placed right against their own companies in the standings; the people that were spectators in the streets were bestowed, part behind the horse, and part behind the liveries, and by this good order their majesties and the train passed quietly without interruption.

Their majesties, coming along Cornhill, seven trumpeters, that were placed in the clock-house of the Exchange, gave them their second welcome into the city; and as they went, the conduit in Cornhill, and the great conduit in Cheapside, ran with claret wine, to express the freedom of the city for the joy of that day.

All the way that their majesties passed, the people, with loud and joyful acclamations, crying, God bless and long live king Charles and queen Mary; and their majesties reciprocally and heartily blessing and thanking the people with as great expressions of joy.

Being come to St Lawrence lane end, (the passage being straight) neither horse nor foot could be planted there; so that only the sheriffs officers, the city council and officers, the sheriffs, aldermen, and the lord mayor, conducted their majesties, and their train to Guild-hall.

At their entrance there, divers honourable lords and ladies, that had not given their attendance abroad, presented themselves to his majesty, and conducted him and the queen up to the new and old council-chambers, being appointed for their repose, till dinner might be served to the table, the four comptrollers for the day, and about eighty comely and grave citizens in foynes and liveries, standing and making a lane on both

sides their passage, to whom their majesties shewed gracious respects, the musick of the city giving them their next welcome.

Their majesties being no sooner reposed, but word was given for serving up of dinner to their table; the place appointed for it was the hustings, at the east end of the hall, which was raised almost two yards from the ground, the floor being covered with Turkey carpets, and all the hall (as all the other rooms of the Guild-hall) was hanged and adorned with rich tapestry: in the middle of the place where their majesties dined, was hung up a cloth of estate, and two chaires of estate were set under it, before which was placed a table of six yards long; at the south end whereof (two yards distance from the table) was a table of garnish of three yards square, and at the north end was a room erected for the musick of all sorts, for the better entertainment and delight of their majesties, while they should be at dinner.

And four or five steps under the place where their majesties dined, was a frame of timber erected, and floored with deals, a yard from the ground, which extended almost to the hall door; upon each side whereof was a table set, from the upper to the lower end of it; at which two tables, the lords and ladies that attended their majesties were to dine. Between which was a spatious way left, covered with green bayes, whereon their majesties were to pass to the place where they should dine.

And in the west part of the hall, below the gate, on the south side, was a long table placed for his majesties pensioners: And in all other rooms, that were not for their majesties privacy, were likewise tables prepared, for several sorts of their majesties attendants.

The dinner was served up in this manner. From their majesties table to the dresser (which was at the west end of the hall) stood the 80 livery-men before mentioned, in two ranks, about two yards distant from each other, face to face; one rank of them receiving from the dresser the king's meat, and the other the prince's, at one and the same time: They never stirring, or removing from their places, but delivering dish after dish, from one to another, till it came to the sewers, who placed it upon the table.

Their majesties meat was proportioned into four services; the first consisting of fifty dishes of cold meats, as brawn, fish, and cold baked meats, planted upon the garnish or side table.[1] The other three services were of all sorts of hot flesh and fish, boyled, roast, and baked, to the number of 120 dishes: After which was served up a curious and well ordered banquet.

At the high table dined, his majesty, his royal consort the queen, the prince, the duke of York, the princess Mary, and the prince elector Palatine, in this order: The king sate under the cloth of estate, and her majesty close to him on his left hand; on his majestys right hand (about a yard distant) sat the prince, and about the same distance from his highness sate the prince elector: At her majesties left hand, about a yard space from her, was placed the princess Mary, and not far from her, the duke of York.

The service for the tables of the lords and ladies were thus ordered: The liveryes before mentioned (after the meat was placed on the high table) served up the dinner to those tables, but in another posture, for, whereas before they stood in two ranks, face to face, they now turned back to back: The reason was, because (the meat being served up to both tables together) the one rank of them might face to one table, and

[1] Hay, earl of Carlisle, according to Osborne, first introduced the fashion of anti-suppers. "The manner of which was, to have the board covered at the first entrance of the guests, with dishes as high as a tall man could well reach, filled with the choicest and dearest viands sea or land could afford; and all this once seen, and having feasted the eyes of the invited, was in a manner thrown away, and fresh set on to the same height, having only this advantage of the other, that it was hot."—*Traditional Memoirs of King James.*

the other to the other: To these two tables were appointed ten messes, consisting of 500 dishes.

These two tables being likewise furnished, care was taken for the rest of the train, that were thought fit to be entertained within the hall, who were all served so plentifully, that not a man was heard to go discontented away.

And because it was conceived before hand, by the committees, that there might come more company with their majesties, than could be conveniently provided for within the hall, large provision was made abroad for the guard, footmen, coachmen, and the like, where there dined about a hundred and fifty persons of all sorts.

His majesty received such content, as well in the freedom of the entertainment, as in the well ordering thereof, that he was pleased by words to express his royal thoughts, as well at dinner as afterwards, (so did the queen, princes, and nobility,) how great content and satisfaction he received from the city by it.

His majesty also after dinner sent for Master John Pettus, a gentleman of an ancient family in the county of Suffolk (who had marryed the lord mayor's daughter) and bestowed the honour of knighthood upon him; knowing that whatsoever in this kind he should do to his lordship or his, must necessarily result to the honour of the city, and be an expression of his grace and favour to it.

Their majesties having reposed themselves a while after dinner (the days being short) the word was given for their departure: And by this time, the three companies of the twelve, and the rest of the inferiour companies that had not waited in the morning, had taken their standings from Saint Lawrence lane end westward towards Temple-Bar. The two captains also, with the three marshals, had ordered the horsemen in this manner: They first drew up the sheriffs men in the front, by two and two; they then caused the rear of horsemen that had made the first stand at Bishopsgate in the morning, to pass through the rest of the companies after the sheriffs men, and so the rest, according to their former order, till the whole number of 500 were ranked again, by two and two, as in the morning, and so passed through Cheapside, till the rear of the first company (which was the lord-mayors) came even with Saint Lawrence lane end; and in this order they stayed till their majesties were ready to come out of Guild-hall, which was about four of the clock in the afternoon.

The lord-mayor carrying the sword before his majesty, as in the morning, and the rest that conducted him from Cheapside to Guild-hall, led his majesty thither again, where the word was given for the horse to advance, which they did, and every one fell into the same order, which they had in the morning: The greatest difference being, that, whereas in the forenoon the footmen carryed truncheons in their hands, they now went with lighted torches, which gave so great a light, as that the night seemed to be turned to day.

As their majesties passed along, the trumpets and city musick were placed in several parts, sounding and playing, which, together with the several, continual, and joyful acclamations of the people, gave great content to both their majesties; the little conduit in Cheapside, and the conduit in Fleet-street, running with wine, as the other two conduits had done in the morning. And in their passage by the south door of Saint Paul's church, the quire (with sagbuts and cornets joyning with them) sang an anthem of praise to God, and prayers for their majesties long lives, which pleased his majesty so well, that he gave them an extraordinary respect; and in their passage to Temple-Bar he made such expressions of his gracious acceptance of the city's love, that the people could not sufficiently make manifest the joy they conceived at it. So that by this time the whole day seemed to be spent in a kind of emulation (with reverence be it spoken) between their majesties and the city: The citizens blessing and praying for their majesties and their princely issue, and their majesties returning the same blessings upon the heads of the citizens, with innumerable thanks added thereunto; in so much as it

is hard to resolve, whether the citizens were more joyed with the gracious acceptance of their weak (though hearty and loyal) endeavours, or their majesties with the performance of the days seasonable service, both their majesties and the citizens seeming (as it were) not well satisfied to whom the thanks of this days work were properly due.

But to proceed: When the sheriffs men (who were in the front) were come as far as the May-pole in the Strand, they began to make a stand, and singled themselves, by falling off at the right end of the street, their company extending in length as far as Exeter house; and after them, the horsemen did the like, in the same order and posture as they had done in the morning, and so continued, to the Tilt-yard, over against his majesties palace of White hall, to which place the lord-mayor, knights, and aldermen, conducted their majesties.

After the Entertainment.

And now by this time it might be conceived, that a period might be set to this relation, and that his majesty had given testimony, ample and sufficient, of his gracious acceptation of the city's love and loyal affection towards him; but *Manet altâ mente repostum*, in a better sence than the poet spake it; his majesty had taken so deep an impression of his poor subjects love, that he thought he had not sufficiently exprest himself by all that he had already so graciously been pleased to demonstrate: And, therefore, when the lord-mayor had brought their majesties into White-hall, and was taking his leave in humble manner, his majesty most graciously embraced and thanked him, and withall, gave him in charge, that in his name the whole city might be thanked.

Whereupon, against Tuesday morning following, being Saint Andrew's day, the lord-mayor caused a common council to be warned, where master recorder, in an eloquent and pithy speech, related the charge and command that his majesty (by the lord-mayor) had imposed upon him; and withall (as was thought fit) he read his speech to his majesty, and his majesties most gracious answer (both which are formerly set down) which so much revived and encreased the joy of all the commons, that an act was there made, and the lord-mayor was entreated to appoint master recorder, and so many aldermen and commoners as his lordship should think fit, to attend his majesty, and to return their humble thanks, for all his great and princely favours to the city, and to prefer to his majesty such other desires of the city, as should be thought necessary and convenient.

In the mean time, his majesty (studying, as it were, how to add more honour to the lord-mayor, and in him to the whole city) had sent to his lordship his gracious letters patent, whereby he created him a baronet.

The lord-mayor, according to the power given unto him by the act of common council, called a committee to his house, where he appointed how many aldermen (besides those of the committee for the entertainment) should attend his majesty, with master recorder, in the pursuance of the said act, where it was concluded what desires they should humbly represent to his majesty on the city's behalf.

Upon Friday the third of December, master recorder, with these aldermen, viz. Sir George Whitmore, Alderman Cordall, aldermen Soame, alderman Gayer, alderman Garrad, alderman Willaston, and the two sheriffs (being aldermen likewise) with eight of the commoners of the said committee, went by his lordships appointment to Hampton-court, where they were received, by the right honourable the earl of Dorset, lord chamberlain to her majesty, Sir Peter Wiche, comptroller of his majesties houshold, and other officers, and gentlemen of quality, till they should be admitted into his majesties presence; and after some small stay, his majesty, with his royal consort the queen,

(attended by the duke of Richmond, marquess Hamilton, and the earl of Dorset) came into her majesties presence chamber, and soon after, master recorder, the aldermen, and commoners were called in; where (after their humble dutys tendred) master recorder, in an elegant speech, presented the loyal affections and humble thanks of the city to their majesties. together with two humble petitions, formerly agreed on, to be preferred to his majesty, in words to this effect:

That, according to his majesties commandment given to the lord-mayor and himself, they had publish'd that which his majesty had graciously exprest at his entry into the city, not only to particular men thereof, but at a common council, which is the representative body of the city, and there made known the most gracious acceptance, by both their majesties, of the endeavours of the citizens for their welcome and entertainment that day.

That, after the publishing of it, they all forthwith with one heart, and one voice, earnestly entreated and prest the lord-mayor, that by his means, and in such way as he should think fit, their most humble and hearty thanks might be rendred and presented to both their majesties for that singular honour they had done the city, in vouchsafing their presence among them, and for those real testimonies his majesty had given of his princely favour and affection towards them, tending so much to their profit and advantage, and especially, for both their majesties gracious acceptance of their poor (though hearty) endeavours; with these, and the like expressions, which came from among them; that if they had done a thousand times more, it had been but their duty; that the memory of this honour and these favours should ever live among them; that it should be preserved to posterity; that their desires and studies should be, as much as in them lay, that they might be thought worthy of these honours and favours, and of so good and gracious a king and queen.

Thus the lord-mayor had required us that were present to attend their majesties with this message from the city, and to make this thankful acknowledgment to them: Beseeching their majesties, (as an addition to their former favours) to take it in good part from them. And this was the first part of our errand.

That we had two humble petitions to prefer to both their majesties, and we had the rise and encouragement to both, from that which his majesty was pleased to deliver to us.

Our first petition was, that their majesties would vouchsafe this honour to the city (if it might stand with their good pleasures,) to make their residence, at this season of the year, at the palace at White-hall. Their presence was very joyful to us, and his majesty was pleased to tell us, that he would study our prosperity, and restore the trade of the city, which of late had been in some disorder. Their residence there would give a good quickning to the retailing trade, and by consequence to the merchant.

Our second was, whereas since his happy return hither, there had been some late disorders about Westminster, among some people that meet there:[1] that their majesties would not impute this to the body of the city, or to the better sort of citizens; we held it a misfortune, and a scandal upon us, that, when those disorders were mentioned, the city was named with it; and that our desire was to vindicate and redeem it, by some publick disavowing of it. And we could not begin better, than in the presence of their majesties, and besought their majesties to take it into their considerations, that the skirts of the city, where the lord mayor and magistrates of London have neither power, nor liberty, are more populous than the city itself, fuller of the meaner sort of people: And if any dwellers in the city should be actors in it, as, who can deny but, among millions of people, some there may be, yet their purpose

[1] Several tumultuary meetings had been held in different parts of the suburbs, and an attempt had been made to destroy Lambeth-house.

was unknown to us. And, to give their majesties some assurance herein, there were some present there among us, men that had lived in the city above forty years together, that knew the city, and the better sorts of citizens, and were at Westminster attending other occasions, when those people met there, and took a heedful view of them, and they have affirmed, that they knew not the face of one man among them.

Master recorder having ended, his majesty presently and graciously, gave answer thus in effect:

That he was very well pleased with the hearty and loyal affections of the citizens, for which he gave them great thanks: And for the first petition, though he and her majesty had before purposed to winter at Hampton-Court, yet, being now fully perswaded that the lord mayor and aldermen, and the most considerable part of the citizens of London, had not any hand in the disorders mentioned by master recorder, in his second petition, he intended (and so he knew her majesty would) to alter his resolution, and with all convenient speed repair to White-hall, [1] there to keep their Christmass, and ready to do any thing else that might promote the trade of the city, desiring master recorder to join with him, in taking some course for prevention of the like disorders for the future.

After his majesty had ended his answer, and that master recorder and Sir George Whitmore had kissed his royal hand, the next alderman in seniority kneeled down, to receive the like princely favour; when suddenly, and unexpectedly, his majesty drew a sword, and, instead of giving him his hand to kiss, he layed his sword upon his shoulder, and knighted him; the like he did to the other aldermen and two sheriffs, being all in number seven.

This done, their majesties gave them their hands to kiss; the like princely favour vouchsafed they to the commoners of the committee, and after many gracious demonstrations of love to them, and the whole city, his majesty commanded, that they should dine before they left the court.

His majesties command was fully and effectually performed: For, as soon as they had in most humble manner taken their leaves of their majesties, they were brought (by the right honourable the earl of Dorset, and by master comptroller, and other officers of the court) into a room, where a table was prepared for them, and none other, to dine at, where they were bountifully feasted, being honoured with the presence of the earl of Dorset, who vouchsafed to dine with them, and in their majesties names gave them exceeding great welcome, expressing to them that love which he ever hath abundantly manifested to the city. Master comptroller likewise dined with them, using them with very great respect.

While they were at dinner, there came two gentlemen to them, one from his majesty, the other from the queen, to let them know, that their majesties had remembered the health of the lord-mayor and the whole city, which they all entertained with all due respect, returning their humble thanks for that their majesties extraordinary favour.

Dinner being done, they took their leaves of the honourable earl, and other officers of quality and eminency of the court, and departed, returning to the lord-mayor with great joy and comfort, to whom they made relation of their majesties grace and favour to his lordship, the whole city, and themselves.

Thus have you seen (as briefly as we could) the work of this day, and in it, as well the demonstration of the cities love and dutiful affection to his majesty and his royal consort, as their majesties gracious and loving acceptation of it: the former being but the bounden service of good and loyal subjects; the other, an extraordinary act of favour and grace, worthy to be graven in tables of brass, to be preserved to all posterity.

[1] The court accordingly, within a day or two, removed to White-hall from Hampton-court.

Nothing now remains, but that we, and all other his majesties loving and loyal people, heartily desire of God to crown his majesty with all spiritual and temporal blessings, that he may long and peaceably reign over us, to the restablishing of pure religion, and the preservation of his church undefiled, as from idolatry and superstition, so from prophaneness and schism; that we and our posterity may ever praise the glorious name of God, in the great congregation, with unanimous and uniform consent, for all his blessings daily conferr'd upon us in his majesty, and learn true and pious obedience to HIM, as set over us, for our good; that his kingdoms may flourish in peace and happiness, to Gods glory, his majesties honour, and the good of all his loyal subjects, who (we doubt not but) to this will all heartily say AMEN.

Cives Londinenses, Illustrissimi Regis Caroli è Scotia Reditum, sic gratulantur.

Principis adventus Caroli, vel gratior urbi
Quis dicat? Carolus vel magè gratus erat?
Gratia grata magè est, veniens è principis ore:
Nostra soluta facit debita, grata minus.
Nec tamen ingratos nos reddit: vota supersunt,
Ut crescat Caroli gratia, noster amor.

London. To the King.

Thanks, mighty sir, that you would gracious be,
T' accept the poor great zeal, of mine and me.
I entertain'd you not; where e'er you go
All else are but spectators, not the show.
I do not envy now the empress Rome,
When her great Cæsars rode triumphant home:
Nor wish her hills; but when you absent are
To see your long'd for coming from afarr.
But go no more, leave me no more, with feares,
And loyal grief, to spend my Thames in teares.
Your next return may some due honour miss,
I shall not then have done my joy for this.

London. To the Queen.

When you were pleas'd, great queen, my streets to view,
I then my self the queen of cities grew;
And did exceed all other towns as far
Almost, as you above all women are.
So full and boundless was the pleasure here,
To see my king your husband but appear,
That nothing else had power, but your blest sight,
To add one joy besides to the delight.
Methinks, when such a glorious pair I see,
Some gods are come, to make a heav'n of me.
Only your womb can greater wonders do,
That after death will show you both anew.

A Letter written upon Occasion from the Low-Countries, concerning the Prince of Orange, and the States, shewing upon what Occasion it grew. Whereunto is added Aviso's from severall Places, of the Taking of the Iland of Providence, by the Spaniard from the English. 1641.

This letter, containing an account of some of the jarrings which took place between the prince of Orange and the republican party in the United States, seems to have been published to animate the friends of Charles I., whose queen was then in Holland, endeavouring to procure the means of supporting the civil war which was then impending.

Hague, March the 20. Stilo Novo.

The Copie of a Letter written from Charles de la Fin, Page unto the young Prince of Orange, unto James de la Fin, his Brother, Secretary unto the Duke of Vallette, residing now in Covent-Garden, touching the Proceedings of the Prince of Orange.

Written from the Hague in Italian, and translated by William Umfreville, Gent. March 14, 1641.

Brother,

As I am acquainted from you with the state of things in England, so let me impart unto you some alterations here, that more near touch us: Grave Henry our prince, and master, by some information, from Martin Van Trumpe, the states admirall, is fallen into some more than distrust with the states, in matter of his proceedings in the army; their jealousies brake forth into open discontent, upon occasion of a meeting of a great crue of his commanders, at a supper in Flushing, upon the arrivall of the queene of Great Britaine, where his health being drunke before the lords generall, the bourgemasters of the towne, took great exceptions at it, giving out that the prince of Orange was but their servant, and tooke pay of them, as well as the meanest souldier in the army; that it was disorderly done, to drinke his health before his betters: to whom replied Monsier de Varracaville, a French captaine of horse, that he trusted the prince his master so well understood himselfe, that, having married his sonne to the eldest daughter of the king of Great Britaine, he would scorne to be counted, much more to bee termed, the servants of brewers and bakers, and felt-makers: hereupon the bourgemasters surlily and saucily replied, that, taking their allowance, he was either a true servant, or a false traytor.

Varracaville was rising to let fly at him, and some others were as ready as he; but noise and tumult arising, the governour of the towne came in, and commanded all to be quiet: great muttering was in the towne the next two dayes about it: on the third, the prince was summoned to the Hague to make his appearance before the States Generall, to make answer unto such things as should, by Martin Van Trumpe, John Van Eslerdort, be laid against him. His highnesse tooke such homely dealing bad, and his servants worse, his army worst of all, who, summoning a counsell of warre to his

highnesse's lodging, plainely told him, that except he would, he should not goe; and that they should know, that if they had money, they had swords; and that they having command of the one, would not be long without the other, and that should shortly appeare; hereupon we all, as well servants as commanders, tooke an oath to his highnesse, and his sonne, to serve them towards all, and against all; which, taken upon mature deliberation, it was ordered by his highnesse himselfe, because of the queene of Great Brittaine's presence, to goe to the Hague, but not to take notice of any summons, and with such a company with him, that he should not greatly need to fear them; and here we are in that posture, not caring for those that looke so big upon us: I trust the army is wholly made for his highenesse; not being desired of their service, but freely offering it: We his servants, and those of my young master's, are resolved to see our end shortly accomplished, or to die every man of us: I trust there are no false parties in the armie, then before May day I hope we shall see an alteration; and those that hold themselves our masters, shall be glad to give us all fitting respect: the king of Denmarke is assuredly for it, and hath promised both coine, men, and shipping: France hearkens to it, and Spaine, upon some conditions, will yeeld assistance: it is more honourable for a prince to be tyed in some ceremonious concernments unto a monarch, than to any other, either by democraticall, or aristocraticall government. More pleasant tydings I hope to write to you, at the queene's returne, if not before; for this must not be long in doing, and it is here thought, that she will not stay long here, by reason that these atchievments cannot long remaine without a period, nor without some bickering, we hold it not fit, shee should be eye wittnesse of it: His highnesse, although he is counselled to send away speedily his young sonne, and our hope, into France, yet he will not, but is resolved, that he shall partake of his fortune, what ever it be; I hope we shall shortly cry, *Vivez Oraneye;* and in this expectation, wishing heaven to say amen unto it,

I rest from the Hague, your ever affectionate brother,

CHARLES DE LA FIN.

This present March 20. New Stile.

Avisoes from severall Places.

THE 20. of Decemb. *Stilo Novo*, arrived at St Lucar, the admiral of the Nova Spania's fleet, in company of another small ship; they came in 92 dayes from the Havana, and were parted by a storm from the rest of the fleet 12 days after their setting forth. I suppose they may be arrived at Porto Rico, for they had most of them spent their masts. The said admiral was cast away in the going into St Lucar, of four millions, which he brought, about one million and an half lost; the whole fleet worth 10 or 11 millions, the richest that ever was knowne; in the said admirall was lost 500 chests of cuchinill, and a 1000 chests of indigo, with a great quantity of other goods. I have letters by an aviso from Cartagene, dated the 14. of September, wherein they advise that the gallions were ready laden with the silver, and would depart thence the 6. of October. The generall of the gallions, named Francisco Dias Pimienta, had been formerly in the moneth of July, with above 3000 men, and the least of his ships, in the iland of Santa Catalina, which he had taken and carried away all the English, and rased the forts, wherein they found 600 negres, much gold and indigo, so that the prize is esteemed worth above half a million.

This unexpected, and undeserved act of the Spaniard, in supplanting our nation, will, I hope, ere long be requited, when as in coole blood the Spaniard shall do us a mischiefe, in demolishing and ruining that which another hath built, and is not able, or will not make use of it himselfe, supplanting our more industrious people, which endeavoured to doe good, both to the bodyes and souls of men, and only to shew his greatnesse, with his multitude to destroy a handfull, and to account that a victory, which is rather a credilous treachery : but let him triumph that wins at last.

Some Observations by Way of Parallell of Robert Devereux, Earle of Essex, and George Villiers, Duke of Buckingham, in the Time of their Estates of Favour.

Written by Sir Henry Wotton, Knight, &c. 1641.

The following beautiful and indulgent parallel between two of the most remarkable favourites upon English record, is inserted in the *Reliquiæ Wottonianæ*, under the title of "The Difference and Disparity between George Duke of Buckingham and Robert Earl of Essex." It has nevertheless been ascribed to the Earl of Clarendon. But when we consider how many appeals are made, in the course of the treatise, to the private knowledge of the author, we must be strongly inclined to refer it to Sir Henry Wotton, whose age, and office of secretary to the Earl of Essex, must have furnished him with these minute circumstances, which Clarendon could not have known, and had no particular reason to have invented, even if his character did not put him above such suspicion.

Amongst those historicall imployments, whereunto I have devoted my later yeares, (for I read, that old men live more by memorie than by hope) we thought it would be a little time not ill spent, to confer the fortunes and the natures of these two great personages of so late knowledge, wherein I intend to doe them right with the truth thereof, and my selfe with the freedome.

The beginning of the earle of Essex, I must attribute wholly, or in great part, to my lord of Leicester : but yet as an introducer or supporter, not as a teacher : for, as I goe along, it will easily appeare, that he neither lived nor dyed by his discipline. Alwaies certaine it is, that he drew him first into the fatall circle from a kinde of resolved privatenes at his house at Lampsie, in South Wales, where, after the academicall life, he had taken such a taste of the rurall, as I have heard him say, (and not upon any flashes or fumes of melancholy, or traverses of discontent, but in a serene and quiet mood) that he could well have bent his mind to a retyred course. About which time, the sayd Earl of Leicester bewrayed a meaning to plant him in the queen's favour ; which was diversly interpreted by such as thought that great artizan of court to doe nothing by chance, nor much by affection. Some therefore were of opinion, that feeling more and more in himselfe the weight of time, and being almost tyred (if there be a satietie in power) with that assiduous attendance, and intensive circumspection, which a long indulgent fortune did require, he was grown not unwilling, for his owne ease, to bestow handsomely upon another some part of the pains, and perhaps of the envy.

Others conceived rather, that, having before, for the same ends, brought in, or let in Sir Walter Rawleigh, and having found him such an apprentize as knew well enough how to set up for himselfe, he now meant to allie him with this young earle, who had yet taken no strong impressions: so though the said sir Walter Rawleigh was a little before this, whereof I now speake by occasion, much fallen from his former splendor in court, yet he still continued in some lustre of a favoured man, like billowes that sinke by degrees, even when the winde is downe that first stirre them.

Thus runnes the discourse of that time at pleasure; yet I am not ignorant, that there was some good while a verie stiffe aversation in my lord of Essex, from applying himselfe to the earle of Leicester, for what secret conceite I know not; but howsoever that humour was mollified by time, and by his mother, and to the court he came under his lord. [1]

The Duke of Buckingham had another kinde of germination; [2] and surely, had he beene a plant, he would have beene reckoned amongst the *Sponte Nascente*, for he sprung without any help, by a kind of congeniall composure (as we may term it) to the likenesse of our late soveraigne and master of ever blessed memorie, who, taking him into his regard, taught him more and more to please himselfe, and moulded him, (as it were) Platonically to his owne idea, delighting first in the choyse of the materialls; (because he found him susceptible of good forme) and afterwards by degrees, as great architects use to doe in the workmanship of his regall hand, nor staying here, after hee

[1] It must be remembered, that Leicester was suspected of having bribed an attendant of Walter Earl of Essex, father of Robert, to poison him, in order that he might marry his widow, which he did accordingly.

[2] Roger Coke gives the following lively account of the rise of the duke of Buckingham:

"About this time one Mr George Villiers appeared in court, the youngest son of Sir George Villiers of Leicestershire, by a second venter, whose name was Mary Beaumont: the heraulds will tell you she was of the honourable family of the Beaumonts; and I will tell you what a lady of quality told me, and one who might well know the truth of what she said, her youngest sister, by a second venter, being married to the eldest son of Sir George Villiers, by Beaumont.

"Mary Beaumont was entertained in Sir George Villiers his family, in a mean office in the kitchen; but her ragged habit could not shade the beautiful and excellent frame of her person, which Sir George taking notice of, prevailed with his lady to remove Mary out of the kitchen into an office in her chamber, which, with some importunity on Sir George's part, and unwillingness of my lady, at last was done.

"Soon after my lady died; and Sir George became very sweet upon his lady's woman, which would not admit any relief without enjoyment; and the more to win Mary to it, he gave her 20l. to put herself into so good a dress as this would procure, which she did, and then Sir George's affections became so fixed, that, to allay them, he married her.

"In this coverture Sir George had three sons, John, after Viscount of Purbeck, Christopher, after Earl of Anglesey, and George, and one daughter, after married to the Earl of Denbigh. When Sir George died, George was very young; and Sir George having settled his estate upon the children born of his former lady, could leave the issue by his widow but very little, and her but a joynture of about 200l. per annum, which dying with her, nothing could come to these children; nor was it possible for her, out of so contracted a joynture, to maintain herself and them, so as to make scarce any provision for them after her death; and the issue of Sir George by his former lady both envied and hated her, so as little could be expected from them.

"To supply these defects, she married one Thomas Compton, a rich country gentleman, whereby she became able to maintain and breed up her children in a better than ordinary education; and George being of an extraordinary and exact composition of person, was sent abroad, and in France acquired those outward advantages which more adorned the natural parts which nature had given him.

"The king this year, about the beginning of March 1614-5, according to his usual methods, went to take his hunting pleasures at New-market, and the scholars, as they called them, of Cambridge, who knew the king's humour, invited him to a play called Ignoramus, to ridicule (at least the practise of) the common law. Never did any thing so hit the king's humour as this play did; so that he would have it acted and acted again, which was increased with several additions, which yet more pleased the king.

"At this play it was so contrived, that George Villiers should appear with all the advantages his mother could set him forth; and the king, so soon as he had seen him, fell into admiration of him, so as he became confounded between his admiration of Villiers and the pleasure of the play, which the king did not conceal, but gave both vent upon several occasions. This set the heads of the courtiers at work how to get Somerset out of favour, and to bring Villiers in."—Coke's *Description of the Court and State of England*, vol. I. p73

had hardened and polished him about ten yeares in the schoole of observance, (for so a court is) and in the furnace of tryall about himselfe, (for he was a king, could peruse men as well as bookes) he made him the associate of his heire apparent, together with the now lord Cottington, (as an adjunct of singular experience and trust) in forraine travailes, and in a businesse of love, and of no equal hazzard (if the tendernesse of our zeale did not then deceive us) enough (the world must confesse) to kindle affection even betwixt the distantest conditions; so as, by the various and inward conversation abroad (besides that before and after at home) with the most constant and best natured prince *Bona si sua Norint*, as ever England enjoyed. This duke becomes now secondly seized of favour, as it were by discent (though the condition of that estate be no more than a tenancie at will, or at most for the life of the first lord) and rarely transmitted, which I have briefely set downe, without looking beyond the vaile of the temple, I meane into the secret of high inclinations, since even satyricall poets, (who are otherwise of so licentious fancie) are in this poynt modest enough to confesse their ignorance.

Nescio quid certe est quod me tibi temperet astrum.

And these were both their springings and imprimings as I may call them.

In the profluence or proceedings of their fortunes, I observe likewise, not onely much difference between them; but in the earle not a little from himself; first, all his hopes of advancement had like to be strangled almost in the very cradle, by throwing himselfe in the Portugal voyage[1] without the queene's consent, or so much as her knowledge; whereby he left his friends and dependants neere six moneths in desperate suspense, what would become of him. And, to speake truth, not without good reason; for, first, they might well consider, that he was himselfe not well plumed in favour for such a flight; besides, that now he wanted a lord of Leicester at home (for he was dead the year before,) to smooth his absence, and to quench the practises at court. But, above all, it lay open to every man's discourse, that, though the bare offence to his soveraigne and mistris was too great adventure, yet much more when shee might (as in this case) have fairely discharged her displeasure upon her lawes. Notwithstanding, a noble report comming home before him, at his returne all was cleere, and this excursion was esteemed but a sally of youth; nay, he grew every day more and more in her gracious conceit; whether such intermissions as these do sometimes foment affection, or that having committed a fault, he became the more obsequious and plyant to redeeme it; or that shee had not received into her royall brest any shadows of his popularity.

There was another time long after, when Sir Fulke Grevill (late Lord Brooke,) a man in appearance intrinsecal with him, or, at the least, admitted to his melancholy houres, eyther belike espying some wearinesse in the queene, or perhaps with little change of the word, though more in the dangersome markes towards him, and working upon the present matter, (as she was dexterous and close,) had almost superinduced into favour the Earle of Southampton; which yet being timely discovered, my Lord of Essex chose to evaporate his thoughts in a sonnet (being his common way) to be sung

[1] An undertaking by which Drake and Norris, with little more than a demi-official authority from Queen Elizabeth, undertook to place Don Antonio on the throne of Portugal, then usurped by the Spanish monarch. Essex, who seems to have consulted upon the occasion little more than his innate spirit of chivalry, threw himselfe into the adventure without the queen's consent, and greatly to her displeasure. The expedition totally miscarried, and the earl only gained from his rash adventure, the credit of having established his personal courage, which had never been doubted.

before the queene, (as it was) by one Hales, in whose voyce shee tooke some pleasure; whereof the complot methinkes, had as much of the hermit as of the poet.

> And if thou should'st by her be now forsaken,
> She made thy heart too strong for to be shaken.

As if he had beene casting one eye backe at the least to his former retirednesse.[9] But all this likewise quickly vanished, and there was a good while after faire weather over-head. Yet still I know not how, like a gathering of clouds, till towards his latter time, when his humours grew tart, as being now in the lees of favour, it brake forth into certayne suddaine recesses; sometimes from the court to Wansteed, other whiles into Greenewich, often to his owne chamber, doores shut, visits forbidden, and which was worse, divers contestations (betweene) with the queene her selfe (all preambles of ruine) wherewith though now and then he did wring out of her majesty some petty contentments, (as a man would presse sower grapes,) yet in the meane time was forgotten the counsell of a wise, and then a propheticall friend, who told him that such courses as those were like hot waters, who helpe at a pang, but, if they be too often used, will spoyle the stomacke.

On the dukes part, we have no such abrupt straynes and precipices as these, but a faire, fluent, and uniforme course under both kings: and surely as there was in his naturall constitution a marvailous equality, whereof I shall speake more afterwards; so there was an image of it in his fortune running (if I may borrow an ancient comparison,) as smoothly as a numerous verse, till it met with certayne rubs in parliament, whereof I am induced by the very subject which I handle to say somewhat, so farre as shall concerne the difference betweene their times.

When my lord of Essex stood in favour, the parliaments were calme; nay, I finde it a true observation, that there was no impeachment of any nobleman by the commons, from the raigne of King Henry the Sixth, untill the eighteenth of King James, nor any intervenient president of that nature, not that something or other could be wanting to be sayed, while men are men; for not to goe higher, we are taught easily so much by the ballads and libells of Leicestrian time.

But about the afore sayd yeare, many young ones being chosen into the house of commons, more than had beene usuall in great councells (who, though of the weakest wings, are the highest flyers,) there arose a certayne unfortunate and unfruitfull spirit in some places; not sawing, but picking at every stone in the field, rather than tending to the generall harvest. And thus farre the consideration of the nature of the time hath transported me, and the occasion of the subject.

Now, on the other side, I must with the like liberty observe two weighty and watch-

[9] This seems only, however, to have been his fashion of expressing his feelings of the queen's change of favour. On another occasion, subsequent to his fatal return from Ireland, the same sentiment is beautifully expressed in the following lines, inclosed in a letter to Elizabeth:

> Happy he could finish forth his fate
> In some unhaunted desert, most obscure
> From all society, from love and hate
> Of worldly folk; then should he sleep secure;
> Then wake again, and yield God ever praise,
> Content with hips, and haws, and bramble berry,
> In contemplation passing out his days,
> And change of holy thoughts to make them merry;
> Who when he dies his tomb may be a bush,
> Where harmeless robin dwells with gentle thrush.

full solicitudes (as I may call them) which kept the earle in extream and continuall caution, like a bow still bent, whereof the duke's thoughts were absolutely free.

First, he was to wrestle with a queene's declyning, or rather with her very setling age (as wee may terme it) which, besides other respects, is commonly even of it selfe the more umbratious and apprehensive, as for the most part all horizons are charged with certayn vapours towards their evening.

1. *The other was a Matter of more Circumstance, standing thus, viz.*

All princes, especially those whom God hath not blessed with naturall issue, are (by wisedome of state) somewhat shye of their successors, and to speake with due reverence, there may be reasonably supposed in queene's regnant, a little proportion of tenderness that way, more than in kings. Now there were in court two names of power, and almost of affection, the Essexian and the Cecilian, with their adherents, both well enough enjoying the present, and yet both looking to the future, and therefore both holding correspondency with some of the principall in Scotland, and hath received advertisements and instructions, eyther from them, or immediately from the king, as induciat heire of this imperiall crowne.

But least they might detect one another, this was mysteriously carried by severall instruments and conducts, and on the Essextian side, in truth with infinite hazard, for Sir Robert Cecill, who (as secretary of state) did dispose the publicke addresses, had prompter and safer conveyance; whereupon I cannot but relate a memorable passage on eyther part, as the story following shall declare.

The Earle of Essex had accommodated Master Anthony Bacon [1] in a partition of his house, and had assigned him a noble entertaynement; this was a gentleman of impotent feete, [2] but of a nimble head, and through his hand runne all the intelligences with Scotland; who, being of a provident nature (contrary to his brother the Lord Viscount Saint Albans,) and well knowing the advantage of a dangerous secret, would many times cunningly let fall some words, as if he could amend his fortunes under the Cecilians (to whom he was neere in alliance and in blood also) and who had made (as he was not unwilling should be beleeved) some great profers to winne him away; which once or twice he pressed so farre, and with such tokens and signes of apparent discon-

[1] Son of the Lord Keeper Bacon (concerning whom, see vol. I. page 265.) and brother to the yet more celebrated philosopher. He had been employed in various foreign embassies, and returning, in 1591, his health was so much broken, that he was unable to pay personal attendance at court, or use the ordinary means of gaining preferment. He therefore became a follower of the Earl of Essex, was lodged in his house, and carried on all his private intercourse with Scotland, which he managed chiefly by correspondence with David, afterwards Sir David Fowles, concerning whose quarrel with Lord Strafford, a subsequent tract occurs in this collection.

[2] The following curious letter from Essex to Bacon condoles with him upon his infirmities:

"SIR,

Medea had not more sympathy of those which felt the same evil which herself did, than I have of my friend that is lame. My mischance hath made me grave in going with a staff before my time. I would you were sure to be as soon rid of your infirmity, as I am in hope to be so free from this kind of gravity. I shall have not only body to serve my country withal, but should be unprofitable, if my limbs were taken from me. But when the indisposition of the body is matched with an ability and strength of all parts and powers of the mind, the public use for which we are all born is not taken away. Therefore, though I would be without legs to serve my country with Mr Anthony Bacon's sufficiency, yet do I not envy the advantage you have of me in the better part, but wish I could lend you strength, and borrow pain of you, to free you from this ill companion, which keeps you from all your friends but those that are able to go to you. I wish you ease, strength, health, and happiness, and will ever be,

Your most assured friend,

ESSEX."

tent to my Lord Henry Howard, afterwards Earle of Northampton, (who was of the party, and stood himselfe in much umbrage with the queene) that he flyes presently to my Lord of Essex; (with whom he was commonly *primæ admissionis*, by his bed-side in the morning,) and tells him that, unlesse that gentleman were presently satisfied with some round summe, all would be vented.

This tooke the earle at that time ill provided (as indeed oftentimes his coffers were low) whereupon he was faine suddainely to give him Essex-house; which the good old lady of Walsingham did afterwards dis-ingage out of her owne store with 2500 pound; and before he had distilled 1500 pound at another time by the same skill; so as we rate this one secret, as it was finely carried at 4000 pounds in present money, besides at the least 1000 pound of annuall pension to a private and bed-rid gentleman; what would he have gotten if he could have gone about his owne businesse?[1]

There was another accident of the same nature on the Cicilian side, much more pleasant, but lesse chargeable, for it cost nothing but wit. The queene having for a good while not heard any thing from Scotland, and being thirsty of newes, it fell out that her majesty going to take the ayre towards the heath (the court being then at Greenewich) and Master Secretary Cicill then attending her, a post came crossing by, and blew his horne. The queene out of curiosity, asked him from whence the dispatch came? and being answered from Scotland; and she stoppes her coach, and calleth for the packet. The secretary, though he knew there were some letters in it from his correspondents, which to discover, were as many serpents; yet made more shewe of diligence than of doubt to obey; and askes some that stood by (forsooth in great hast) for a knife to cut up the packet (for otherwise he might perhaps awaken a little apprehension,) but in the meane time approaching with the packet in his hand, at a pretty distance from the queene, he telleth her it looked and smelt ill-favouredly, comming out of a filthy budget, and that it should be fit first to open and ayre it, because he knew she was averse from ill sents.

And so being dismissed home, he got leisure by this seasonable shift, to sever what he would not have seene.

These two accidents precisely true, and knowne to few, I have reported as not altogether extravagant from my purpose, to shew how the earle stood in certaine perplexities wherewith the duke's dayes were not distracted. And this hath beene the historicall part (as it were) touching the difference betweene them in the rising and flowing of their fortunes.

I will now consider their severall endowments both of person and mind, and then a little of their actions and ends.

The earle was a pretty deale the taller, and much the stronger, and of the abler body; but the duke had the neater limbes and freer delivery; he was also the uprighter, and of the more comely motions, for the earle did bend a little in the neck, though rather forwards than downewards, and he was so far from being a good dancer, that he was no gracefull goer. If we touch particulars, the duke exceeded in the daintinesse of his leg and foote, and the earle in the incomparable fairenesse and fine shape of his hands; which (though it be but a feminine praise,) he tooke from his father; for the generall ayre, the earle had the closer and more reserved countenance, being by nature somewhat more cogitative, and (which was strange) never more than at meales, when others at least; insomuch as he was wont to make this observation of himselfe,

[1] Dr Birch, in his Memoirs of the Reign of Queen Elizabeth, doubts this scandalous charge against Anthony Bacon on the following grounds: 1st, Wotton was inimical to Bacon, having been accused by him of suppressing letters written in favour of Hawkyns, while he was in the earl's service as secretary. 2dly, Because his situation is misrepresented, his pecuniary distresses being as frequent as those of his celebrated brother. 3dly, Because there are no proofs of his receiving any pension from the earl, and his entertainment at Essex-house amounted to mere accommodation in the apartments.

that to solve any knottie businesse which cumbred his minde, his ablest houres was when he had checked his first appetite with two or three morsells, after which he sate usually for a good while silent; yet he would play well and willingly at some games of greatest attention, which shewed that when he listed he could licence his thoughts.

The duke, on the other side, even in the midst of so many diversions, had continually a very pleasant and vacant face (as I may well call it) proceeding, no doubt, from a singular assurance in his temper. And yet I must here give him a rarer elogie, which the malignest eye cannot deny him. That certainly never man in his place and power did entertaine greatnesse more familiarly, nor whose lookes were lesse tainted with his felicitie, wherein I insist the rather, because this in my judgement was one of his greatest vertues and victories of himselfe.

But to proceed: in the attyring and ornament of their bodyes, the duke had a fine and unaffected politenesse, and upon occasion costlie, as in his legations.

The earle, as he grew more and more attentive to businesse and matter, so lesse and lesse curious of cloathing: Insomuch, as I doe remember those about him had a conceit that possibly sometimes when he went up to the queene, he might scant know what he had on, for this was his manner, his chamber being commonly stived with friends or suitors of one kinde or other, when he gave his legges, armes, and brest to his ordinary servants to button and dresse him with little heede, his head and face to his barbour, his eyes to his letters, and eares to petitioners, and many times all at once, then the gentleman of his robes throwing a cloak over his shoulders, he would make a step into his closet, and after a short prayer, he was gone: Onely in his baths, he was somewhat delicate. For point of dyet and luxurie, they were both very inordinate in their appetites, especially the earle, who was by nature of so different a taste, that I must tell a rare thing of him (though it be but a homely note) that he would stop in the middest of any physicall potion, and after he had licked his lips, he would drinke off the rest; but I am weary of such slight animadversions.

To come therefore to the inward furniture of their mindes, I will thus much declare.

The earle was of good erudition, having been placed at study in Cambridge very young by the Lord Burleigh, his guardian, with affectionate and deliberate care, under the oversight of Doctor Whitgift, then master of Trinitie Colledge, and after archbishop of Canterbury: A man by the way surely of a most reverend and sacred memory, and (as I may well say) even of the primitive temper, when the church in lowlynesse of temper, did flourish in high examples, which I have inserted as a due recordation of his vertues, having been much obliged to him for many favours in my younger time.

About sixteen years of his age (for thither he came at twelve) he took the formality of master of arts, and kept his publique acts, and heere I must not smother what I have received by constant information, that his owne father dyed with a very cold conceit of him, some say through the affection to his second sonne Walter Devereux, who was indeed a dymond of the time, and both of an hardy and delicate temper and mixture: But it seems this earl, like certaine vegetables, did bud and open slowly: nature sometimes delighting to play an after game as well as fortune, which had both their turnes and tides in course.

The duke was illiterate, yet had learned at court, first, to sift and question well, and to supply his owne defects, by the drawing or flowing unto him of the best instruments of experience and knowledge, from whom he had a sweet and attractive manner, to suck what might be for the publike or his own proper use, so as the lesse he was favoured by the muses, he was the more by the graces.

To consider them in their pure naturalls, I conceive the earle's intellectuall faculties to have been his strongest part, and in the duke his practicall.

Yet all know that he likewise at the first was much under the expectation of his after proof: such a sodain influence therein had the soveraign aspect, for their abilities of discourse or pen, the earle was a very acute and sound speaker when he would intend it, and for his writings, they are beyond example, especially in his familiar letters and things of delight at court, when he would admit his serious habits, as may yet be seen in his impresses and inventions of entertainment, and above all, in his darling piece of love, and selfe-love; his stile was an elegant perspicuity, rich of praise, but seldome any bold metaphors, and so farre from tumor, that it rather wanted a little elevation.

The duke's delivery of his minde, I conceive not to be so sharpe as solid and grave, not so solid and deepe as pertinent, and apposite to the times and occasions.

The earl I account the more liberall, and the duke the more magnificent, for I doe not remember that my Lord of Essex, in all his life-time, did build or adorn any house, the queen perchance spending his time, and himselfe his meanes, or otherwise more inclyning to popular wayes, for wee know the people are apter to applaud house-keepers than house-raisers; they were both great cherishers of schollers and divines, but it seemes the earle had obteyned of himselfe one singular point, that he could depart his affection betweene two extreames, for though he bare alwayes a kinde of filiall reverence towards Doctor Whitguift, both before and after he was archbishop, yet, on the other side, he did not a little love and tender Master Cartwright, though I think truely with large distinction between the persons and the causes, howsoever he was taxed with other ends, in respecting that partie.*

They were both faire spoken gentlemen, not prone and eager to detract openly from any man, and in this the earle hath been most falsely blemished in our vulgar story: Onely against one man, he had forsworne all patience, namely Henry Lord Cobham, and would call him *(per excellentiam)* the sycophant (as if it had been an embleme of his name) even to the queene herselfe, though of no small insinuation with her; and one lady likewise, (that I may civillie spare to nominate for her sex sake) whom he used to terme the spyder of the court: yet generally in the sensitive part of their natures the earle was the worse philosopher, being a great resenter and a weak dissembler of the least disgrace: And herein likewise, as in the rest, no good pupill to my Lord of Leicester, who was wont to put all his passions in his pockquet.

In the growth of their fortunes, the duke was a little the swifter, and much the greater; for from a younger brother's mean estate he rose to the highest degree whereof a subject was capable either in title or trust; therein I must confesse much more conformable to Charles Brandon, under Henry the Eighth, who was equall to him in both.

For matter of donative and addition of substance, I do not beleeve that the duke did much exceed him, all considered under both kings.

For that which the Earle of Essex had received from her majesty, besides the fees of his offices, and the disposition of great summes of money in her armies, was about the time of his arraingment, when faults use to be aggravated with precedent benefits, valued at three thousand pounds sterling in pure gift for his onely use, to the Earle of Dorset, then lord treasurer, who was a wise man, and a strict computist, and not ill affected towards him. And yet it is worthy of note in the margent of both times, that the one was prosecuted with silence, and the other with murmure, so undoing a measure is popular judgement.

I cannot heere omit betweene them a great difference in establishing of both their fortunes and fames.

* The people, in whose affections Essex had a deep share, loved to ascribe to their favourite, attributes which were then popular. It has accordingly been affirmed, that, as Dr Whitgift rose in preferment, of which he at last attained the very summit, by becoming archbishop of Canterbury, he sunk in the opinion of his pupil, who leaned towards puritanical and anti-episcopal doctrines.

For the first, the duke had a care to introduce into neere place at the court divers of his confident servants, and into high places very sound and grave personages; whereas, except a pensioner or two, wee cannot scant name any one man advanced of the earle's breeding, but Sir Thomas Smith[1] having beene his secretary, who yet came never further (though married into a noble house) than to the clearke of the councell and register of the parliament; not that the earle meant to stand alone like a substantive (for he was not so ill a grammarian in court) but the trueth is, in this poynt the Cecilians kept him backe, as very well knowing that upon every little absence or dissaduity, he should be subject to take cold at his backe.

For the other, in the managing of their fames, I note betweene them a direct contrary wisedome; for the earle proceeded by way of apology, which he wrote and dispersed with his owne hands at large, though till his going to Ireland they were but airey objections. But of the duke this I know, that one having offered for his case to doe him that kinde of service, he refused it with a pretty kinde of thankfull scorne (saying) that he would trust his owne good intentions, which God knew, and leave to him the pardoning of his errours; and that he saw no fruite of apologies but the multiplying of discourse, which surely was a well setled maxime. And for my owne particular (though I am not obnoxious to his memory) in the expression of Tacitus, *neque injuria, neque beneficia,* saving that he shewed me an ordinary good countenance. And if I were, yet I would distinguish betweene gratitude and truth, I must beare him this testimony: That in a commission layd upon me by soveraigne commaund to examine a lady about a certayne filthy accusation grounded upon nothing but a few single names taken up by a footeman in a kennell, and streight baptized "A list of such as the duke had appoynted to be empoysoned at home," himself being then in Spaine: I found it to be the most malicious and franticke surmize, and the most contrary to his nature, that I thinke had ever beene brewed from the beginning of the world, howsoever countenanced by a lybellous pamphlet of a fugitive physition[2] even in print; and yet of this would the duke not suffer any answer to be made on his behalfe, so constant he was to his owne principles.

In their military services the characters of the earle's imployments were these, viz.

His forwardest was that of Portugall before mentioned.

The saddest, that of Roan, where he lost his brave brother.

His fortunatest peece I esteeme the taking of Cadiz Malez, and no lesse modest, for there he wrote, with his owne hands, a censure of his omissions.

His jealousest employment was to the reliefe of Callais, besieged by the cardinall arch-duke, about which, there passed then betweene the queene and the French king much arte.

His voiage to the Azores was the best, for the discovery of the Spanish weaknesse, and otherwise almost a saving voyage.

[1] "This gentleman was a native of Abingdon, in Berkshire, and educated in the free school there, founded in 1563, by John Boyse, citizen and mercer of London. Thence he was translated to the university of Oxford, where he became a student of Christchurch in 1570, and took the degree in arts, that of master being completed in 1578, and six years after was elected one of the proctors of the university. About that time he was taken into the service of the Earl of Essex, and was almost the only person advanced from it into higher posts, being made clerk of the council, and register of the parliament, and afterwards secretary of the Latin tongue, and one of the masters of the requests. He was knighted in 1603, and died, at his house in Parson's Green, near Fulham, on the 28th of November, 1609, leaving one son Robert, by his wife Frances, daughter of William Lord Chandos, afterwards remarried to Thomas Earl of Exeter."---Birch's *Life of Queen Elizabeth.* Lon. 1754. I 110.

[2] Dr Eglisham, who published various pamphlets, accusing Buckingham of the murder, by poison, of the Marquis of Hamilton and of King James I.

His blackest was that to Ireland, ordayned to be the sepulcher of his father, and the gulph of his owne fortunes.

But the first in 88. at Tilbury campe. was, in my judgement, the very poyson of all that followed, for there, whilest the queene stood in some doubt of a Spanish invasion, (though it proved but a morrice dance upon our waves) she made him in field commander of the cavalry (as he was before in court) and much graced him openly in view of the souldiers and people, even above my lord of Leicester; the trueth is from thence forth he fed too fast.

The duke's employment abroad in this nature, was onely in the action of the ile of Reez, of which I must note somewhat for the honour of our country, and of her majesty's times, and of them that perished and survived, and to redeeme it generally from misunderstanding. Therefore, after enquiry amongst the wisest and most indifferent men, of that action I dare pronounce, that all circumstances pondered, a tumultuary landing on our part, with about one thousand in the whole, on theirs ready to receive us with two hundred horse, with neere two thousand foote. and watching their best time of advantage, none of their foote discovered by us before, nor so much as suspected, and only some of their horse descried stragling, but not in any bulke or body: their cavalry not a troop of Biscoigners[1] mounted in hast, but the greater part gentlemen of family, and of pickt resolution, and such as charged home both in front and on both flankes, into the very sea, about sixescore of their two hundred horse strewed upon the sand, and none of them but one killed with great shot, and after this their foot likewise comming on to charge, till not liking the businesse, they fell to flinging of stones, and so walked away.[2]

I say, these things considered and laid together, we have great reason to repute it a great impression upon an unknown place, and a noble argument that upon occasion we have have not lost our auncient vigor. Only I could wish that the duke, who then, in the animating of the souldiers, shewed them very eminent assurance of his valour, had afterwards remembred that rule of Apelles, *manum de Tabula.* But he was greedy of honour, and hot upon the publique ends, and too confident in the prosperity of beginnings, as somewhere Polybius, that great critique of war, observeth of young leaders whom fortune hath not before deceived. In this their military care and dispensation of reward and punishment, there was very few remarkable occasions under the duke, saving his continuall vigilancie and voluntary hazard of his person and kindnesses to

[1] *Besognios*, called by Antient Pistol, *Bezonians*, from *Bisognoso*, a low mean churl.

[2] Howell gives the following curious particulars of this unfortunate expedition:

"The news that fills all mouths at present is the return of the Duke of Buckingham from the isle of Ree, or, as some call it, the isle of Rue, for the bitter success we had there; for we had but a tart entertainment in that salt island. Our first invasion was magnanimous and brave, whereat near upon 200 French gentlemen perished, and divers barons of quality. My lord of Newport had ill luck to disorder our cavalry with an unruly horse he had. His brother Sir Charles Rich was slain, and divers more upon retreat; among others, great Colonel Gray fell into a salt-pit, and being ready to be drowned, he cryed out, *Cent mille escus pour ma rançon,* a hundred thousand crowns for my ransom: the Frenchmen hearing that, preserved him, tho' he was not worth a hundred thousand pence. Another merry passage a captain told me, that, when they were rifling the dead bodies of the French gentlemen after the first invasion, they found that many of them had their mistresses favors ty'd about their genitories. The French do much glory to have repelled us thus, and they have reason; for the truth is, they comported themselves gallantly: yet they confess our landing was a notable piece of courage, and, if our retreat had been answerable to the invasion, we had lost no honour at all. A great number of gallant gentlemen fell on our side, as Sir John Heydon, Sir Jo. Barrowes, Sir John Blundell, Sir Alex. Bret, with divers veteran commanders, who came from the Netherlands to this service."—Howell's *Letters, p.* 291.

The duke possessed himself of the town and island, but the castle and forts held out, and received a supply of troops from France. Buckingham had resolved to embark, when his rear guard was attacked and cut off by the enemy.

the souldiers, both from his own table and purse, for there could be few disorders within an iland where the troops had no scope to disband, and the inferiour commanders were still in the sight.

In the earle wee have two examples of his severity, the one in the island voyage, where he threw a souldier with his owne hands out of a ship, the other in Ireland, where he decimated certaine troops that ran away, renewing a peace of the Roman discipline.

On the other side wee have many of his lenitie, and one of his facilitie, when he did connive at the bolde trespasse of Sir Walter Rawleigh, who, before his owne arrivall at Fyall, had banded there against his precise commandement, at which time he let fall a noble word, being pressed by one (whose name I need not remember) that at the least he would put him upon a martiall court. That I would doe (sayd he) if he were my friend.

And now I am drawing towards the last act, which was written in the book of necessity.

At the earle's end I was abroade but when I came home (though little was left for writers to gleane after judges) yet, I spent some curiosity to search what it might be that could precipitate him into such a prodigious catastrophe, and I must according to my professed freedome, deliver a circumstance or two of some weight in the truth of that story, which was neither discovered at his arraignment, nor after in any of his private confessions.

There was amongst his nearest attendants one Henry Cuffe,[1] a man of secret ambitious ends of his owne, and of proportionate counsells, smothered under the habit of a scholler, and slubbered over with a certayne rude and clownish fashion, that had the semblance of integrity.

This person, not above five or sixe weekes before my lord's fatall irruption into the city, was by the earle's speciall commaund suddainely discharged from all further attendance, or accesse unto him, out of an inward displeasure then taken against his sharpe and importune infusions, and out of a glimmering over-sight, that he would prove the very instrument of his ruine.

I must adde hereunto, that about the same time my lord had received from the countesse of Warwicke (a lady powerfull in the court) and indeed a vertuous user of her power, the best advise that, I thinke, was ever given from eyther sex. That when he was free from restraint, he should closely take any out lodging at Greenewich, and sometimes, when the queen went abroad in a good humour, (whereof she would give him notice) he should come forth, and humble himselfe before her in the field.

This counsell sunke much into him, and for some dayes he resolved it: but in the mean time, through the intercession of the Earle of Southampton, whom Cuffe had gained, he was restored to my lord's eare, and so working advantage upon his disgraces, and upon the vaine foundation of vulgar breath, which hurts many good men, spun out the finall destruction of his master and himselfe, and almost of his restorer, if his pardon had not been wonne by inches.

True it is, that the Earle in Westminster-hall did in generall disclose the evill perswasions of this man; but the particulars which I have related of his dismission and

[1] Private Secretary to Essex, and in this capacity colleague to Sir Henry Wotton. Walton says concerning him:

"Mr Henry Cuffe, sometime of Merton College in Oxford (and there also the acquaintance of Sir Henry Wotton in his youth) Mr Cuffe being then a man of no common note in the university for his learning; nor after his removal from that place, for the great abilities of his mind, nor indeed for the fatalness of his end." —WALTON'S *Lives*. *Oxford*, 1805. Vol. I. p. 146.

restitution, he buried in his owne breast for some reasons apparent enough. Indeede (as I conjecture) not to exasperate the case of my lord of Southampton, though he might therewith a little peradventure have mollified his owne. The whole and true report I had by infallible meanes from the person himselfe, that both brought the advice from the aforesayd excellent lady, and carried the discharge to Cuffe, who, in a private chamber, was strucken therewith into a sound almost dead to the earth, as if he had fallen from some high steeple, such turrets of hope he had built in his owne fancy.

Touching the duke's suddaine period, how others have represented it unto their fancies, I cannot determine; for my part, I must confesse from my soule, that I never recall it to minde without a deepe and double astonishment of my discourse and reason.

First of the very horrour and attrocity of the fact, in a Christian court, under so moderate a government, but much more at the impudency of the pretence, whereby a desperate discontented assassinate would, after the perpetration, have honested a meere private revenge (as by precedent circumstances is evident enough) with I know not what publique respects, and would faine have given it a parliamentary cover howsoever. Thus these two great peeres were dis-roabed of their glory, the one by judgement, and the other by violence, which was the finall distinction.

Now, after this short contemplation of their diversities, for much more might have beene spoken, but that I was fitter for rapsody than commentary, I am lastly desirous to take a summarie viewe of their conformities, which I verily beleeve will be found as many, though perchance heeded by few, as are extent in any of the ancient parallell.

They both slept long in the armes of fortune: They were both of ancient blood, and of forraigne extraction: They were both of straight and goodly stature, and of able and active bodies: They were both industrious and assiduous, and intentive to their ends: They were both early privy councellors, and imployed at home in the secretest and weightiest affaires in court and state: They were both likewise commaunders abroade in chiefe, as well by sea as by land; both masters of the horse at home; both chosen chancellours of the same university, namely, Cambridge. They were indubitably strong, and high minded men; yet of sweet and accostable nature, almost equally delighting in the presse and affluence of dependants and suitors, which are alwayes the burres, and sometimes the briers of favourits. They were both married to very vertuous ladies, and sole heires, and left issue of eyther sex, and both their wives converted to contrary religions. They were both in themselves rare and excellent examples of temperance and sobriety, but neyther of them of continency.

Lastly, after they had beene both subject (as all greatnesse and splendor is) to certayne obloquies of their actions, they both concluded their earthly felicity in unnaturall ends, and with no great distance of time in the space eyther of life or favour.

And so having discharged this poore exercise of my pen according to my knowledge and reality, let us commit those two noble peeres to their eternall rest, with their memorable abilities remayning in few, and their compassionate infirmities common to all.

The Decoy Duck. Together with the Discovery of the Knot in the Dragon's Tayle, &c.

Printed at London for F. Couls, T. Bates, J. Wright, and T. Banks. 1642.

Dr Williams, who had been bishop of Lincoln, and keeper of the great seal in the time of James I. (see vol. 1 p. 33. Note,) was for some years imprisoned in the Tower, under sentence of the Star-Chamber But, after obtaining his liberty, he reconciled himself to the king, and was preferred to the archbishoprick of York. When the bishops were, by the tumultuary concourse of people, prevented from attending the house of peers, the archbishop, burning with resentment at the personal ill usage he had received from the rabble, assembled his brethren, and prepared a protest, stating that they were forcibly excluded from attendance on their duty in parliament; and that, while such forced and violent absence should subsist, all acts, all laws, order, votes, resolutions, and determinations of the house of peers should be deemed void and of no effect. This protestation, hastily drawn up, was carried to the king, who, without maturely weighing that it could produce no good effect, and, in the temper of the parliament and the people, was only likely further to incense them against the bishops, consented that it should be presented.

"As soon," says Clarendon, "as this protestation, which, no doubt, in the time before the house was to meet, had been communicated to those who were prepared to speak upon it, was delivered by the lord keeper, with his majesty's command, and read, the governing lords manifested a great satisfaction in it; some of them saying, that there was *digitus dei*, to bring that to pass, which they could not otherwise have compassed; and, without ever declaring any judgment or opinion of their own upon it, which they ought to have done, the matter only having relation to themselves, and consequently their own members, they sent to desire a conference presently with the house of commons, upon a business of importance; and at the conference, only read and delivered the protestation of the bishops to them; which the lord keeper told them, he had received from the king's own hand, with a command to present it to the house of peers. The house of commons took very little time to consider of the matter; but within half an hour they sent up to the lords, and without farther examination, accused them all who had subscribed the protestation of high treason; and by this means they were all, the whole twelve of them, committed to prison, and remained in the Tower till the bill for the putting them out of the house was passed, which was not till many months after."—*History of the Rebellion*, I. 353.

The following satirical effusion is founded on the idea of Bishop Williams, so lately released from the Tower, having become a Decoy Duck, to bring his brethren to the same place of confinement.

Gentle reader, I am not minded to trouble you with a long preface to a short and true story, or to make a doore bigger than the whole house; therefore I come to the subject now in hand; there be three sorts of decoyes, viz. knights of the post, or setters, pimps, and decoy-ducks themselves: The first is to give false testimony in suits of law, and to betray men into the sargeants claws: The second doe commonly bring in wandring peccant wenches to gentlemen's chambers; and the third, is the decoy duck itselfe, for bringing alwayes store of gaine to his masters profit, as they doe in many fen-countries, both in England and Holland: But in this our witty age, of deeper speculation, there is found out a fourth sort of decoyes; to wit, a bishop decoy, who was highly fed at Bugden, and thought fit to have taken his flight of late to Cawood, but stormes arising, and the wind being contrary, took wing for Westminster, &c. where, being fat-

ned, he began to quack too loud, and too often, and flutter too much or too little; till at last he was coop'd up, and his black and white wings pinion'd till he was grown tame, and held fitting for use and service[a] This Lincolnshire duck thus held at length fit for flight, and strongly opinion'd, boasted, like the decoy duck unto his feeder, that if once he was permitted to flie abroad, he had that skill and knowledge in all parts and fenny countries and sea-coasts, creeks, ponds, marshes, and rivers, and so much as the very rivulet from the see of Rome, &c. So having, like a decoy duck, got his breakfast, and liberty in a serene calme time, intended to bring praise and laud to himselfe, or hee with other of the same feathered foules unto him.

Suppose this our decoy duck is flowne, and let loose in a faire bright and sun-shine day, the wind fitting fairely for his purpose: at first flight he did light upon a small parcell of young ducks, who (at first at his faire feathers and beautiful aspect) the yonger ducks began to rise and fly away; but hee being a skilfull quacker, courted them in their own tone, quacking and saying, I am your countrie-man: What are you affraid of mee, my young pretty ducklings? I am of the same feather and flight as you are; but are there no more of our owne flock and kind hereabouts in this faire season? To whom they answered, Oh yes, brother fowle! But where keep they, and where feed they? they told him on Lambeth side, &c. So at length, they being taken with admiration, with his comely feathers and good quacking, brought him unto the whole flock, where they (as well as the other) stood at first amazed, some ducks fearing him to bee a goose-hauke, others a faulkon; some imagined him to bee an eagle, so, not daring to stand any longer, took wing and flew compasse, to see what would become of the residentiaries that quackt with him; they that were flowne aloft, scenting him by the wind, smeld he had been some hous'd duck, because he smelt so strong of his former coop, having not had the liberty of ayre and wing, as they themselves had: divers were different in their conceits, some took him to bee a buzzard in quarto, others a peacock in folio; but at length all fears being layd aside, and great flocking being made about him, they that hovered above, left the wing, and mixed themselves with the whole flocke Being all then settled, the decoy begins thus in quacking language: Good brethren of a feather, as I feare not but that you are, I desire you all of the stronger wing to declare in what coast you are fed in, in what nest you are hatcht in; and because I see so many of you so leane, that you are not able to flye and maintaine any length of flight, some greedily feeding and swallowing downe gravell, grasse and weeds, and wormes, and such poor food, that I am sorry for to see such leane carkasses and thinne bodies amongst my brother ducks.

The first quackt, I am Durham bred.
The second quackt, Lichfield and Coventrie.
The third quackt, Norwich.
The fourth quackt, Asaph
The fifth quackt, Bath and Wales.
The sixt quackt, Hereford.
The seventh quackt, Oxford.
The eighth, Ely.
The ninth, Gloucester.
The tenth, Peterborough.
The eleventh, Landaffe.
And I confesse, fellow fowles, I was of Lincolne.

[a] Alluding to Williams' long imprisonment in the Tower, on the vague accusation of scandalous words spoken of the king and his ministers.

Upon which confession, they all clapt their wings, and quackt for joy of their long absent brother. Then sayd the decoy duck, I thanke you for opening and declaring your breasts and spreading your wings so freely to me. I protest unto you, that if you will follow my advise and protestation, I will bring you from this grosse feeding where you now are, unto a place wherein you shall have variety and plenty; instead of want, you shall have fulnesse, instead of wormes you shall have wheat, instead of grasse you shall have wild oates, instead of ducks weed, you shall have ducks meat, instead of gravell, you shall have gravee, and graves wine, instead of paddocks, you shall have pullets and pancakes, instead of froggs, you shall have fritters.

Hereupon the miscelenous ducks, for want of meat, desiring to surbaite themselves, as also desirous of ease, and not to fly for every dayes food so far as they used, resolved, with clapping of wings and quacking their bills, to whatsoever he their said brother duck should write, declare, and protest. So they consenting to his will and protestation, resolved to soare a high flight; where, being all alighted and conglomerated in a secret and convenient place, which was after their first flight, he declared his whole mind unto them freely; where he made a pirscription what he intended; enjoyning them that they should never reveale who discovered this dainty deyt, pleasing rivers, warme climate, safe creeks, upon which they all consented, and made a generall resolve, whatsoever hee their brother duck should determine they would willingly subscribe unto.

I know, quoth the decoy duck, all the parts of this climate, east, west, north, and south; the civil and common lawes of the country, and know how to avoid and wave all the fowlers gins and snares, though never so closely laid. Be not afraid, nor doe you quake, my brethren; I doe protest unto you all, that I will accompany you whither soever you will goe; my life and feathers, brother ducks, is as good, and as trim as any of yours. I can tell you when we come neare any keeper, or master of the game, I can smell him by his powder and flint, especially if hee have a purse by his side. O bravely protested, and most freely declared, quackt all the ducks; come let us remove from this barren soyle and take wing. Although this our brother duck (quakt all the ducks) hath not frequented our company of late, or hath bin of our gang, yet he leading the way, and in the first range, is subject to the most danger. I, I quoth the decoy, I will secure you all, seeing you have subscribed and protested as I have done, for I know which way the wind sits, when I turne my mill to grind my corn. Imagine they are all upon the wing, and follow this their leader and decoy ducks rule, prescript, and protestation; avowing they would ayd him in whatsoever he undertook or propounded; beleeving that this decoy quacked as he had bin some oracle; yet some of these ducks being more subtile than the rest, doubted and feared very much; yet, as the old proverb saith, Birds of a feather will fly together, so they did for company; and, comming neare to the stately pond, or river, which the decoy told them of, whereon grew upon the bankes all sorts of graine fit for their pallets, which, having viewed and tasted, they all liked this place exceedingly well; which made the rest of the duckes, which were fearefull and loytering behind, and hovering upon the wing, and seeing all safe and secure, and sure from company, to light and take their pastime with the rest of their fellowes; where they fell a feeding, and washing, and dabling themselves in such a manner; some quacking, some clapping their wings to see such a pleasant river, and such variety of meate. The old decoy still drawing them on, and swimming before them like a violent leader; at length some of the formost ducks, which had good eyes, espye a stately house,* at which, being amazed and affrighted, quacks and flyes back, and askes their brother duck what stately place that was which had so many brave towers and pinacles upon it. The decoy duck quackt againe to them, and said, they need not feare, there was nobody did lodge in it, nor no danger could come unto them. Nay, then goe forwards, quackt all

* The Tower. The subsequent allusion is to the Water-gate, commonly called Traitor's Gate.

the duckes, for we have subscribed and protested to follow you our captaine; so on. they swam in a stately manner, diving and ducking, and pruning themselves; and being come to the place of their abode and safety, not regarding what arches were over their heads, or what bridges they swam under, still looking forwards. At that very instant the floud-gate of the aforesaid river was clapt too, and a net flung over their heads; then they all began to quack, and to make such hidious cries, what with their clapping their wings, that it was heard even like an eccho round about the country, especially to the family of the aforesaid house, which newly arrived there at the same houre, who came to the river side, and beheld those creatures with an amazement, because of their faces and severall shapes; some of the family asked why they made such a breach, and trespassed against the custome of that place, saying, could they not keep within their owne limits, but contrary to all rights and priviledges, commit this outrage? others asked them how they came hither? then came some of the owners of the place, and questioned with them, and asking them who inticed and drew them to this eminent place? They all quacked, and said, our brother Bugden Duck; hee protested hee would bring us to a safe and secure place, and wee, his brother ducks, thinke hee hath done so indeede. Then, quoth the owners of the river, hee hath played the decoy duck with you all, and hath not onely brought in you, but himselfe also in the same danger. O, sir, he promised he would be our leader, and venture his life and all his feathers, if any hazard or danger come on it. Moreover, that he would be our defender and keeper, though hee sealed it with his bloud. Sure, said the owners, you are all of a nest, though not at the same time hatcht up, your white wings, and blacke lists downe the backe doth manifest the same; though you have faces like men, yet you have fowle bodies. Quack, quack, quack, quoth some of them, and said, wee are of severall climates, though feathered all alike; but merely brought in hither by our captain duck, who now shewes himselfe a plaine arch decoy duck. I never heard, said the owners, but of one arch decoy duck before that was ever taken, but he came in all alone, and brought nobody with him but himselfe; but this your captaine decoy duck, hee hath brought in good store, five couple, and one odde duck, besides himselfe.

Call the poulterer hither, some of you, that hee may view these faire flocke of ducks, and see which is for service, and which is for the dish, and put the rest into the white house. Quack, quack, quoth all the ducks, when they heard that, saying, we are all betrayed, and make young ducklings of.

O mercy, quoth some of the ducks, shew mercy, I was brought in by a wile. Another quackt and said, he thought it onely a matter of custome, and protested for forme sake. Another quackt and said, he did subscribe onely that hee would be conformable to the rest of his brother ducks. Another, that he thought he had been in Armenia, where all things are at free will and liberty. Another, amongst the rest said, that they depended and trusted upon their brother duck for their keeper. Another, whose over hot zeale, had taken such a cold, that hee could not for seven yeares together bee heard quacking in a pulpit. Another could make no answer to clear himselfe, but his eyes directed as to his leader, and seemed to say, Thy wicked perswasions hath undone us, proud arch duck. One above the rest, petitions that he might send for a friend and kinsman to bayle him; and being demanded who he would send for, quackt, and said, his cousen, Doctor Duck. Answer was made, that he was sicke of the gout, and could not come; besides, it was cold weather, and dangerouse for his health to fly abroad. Quack, quoth the duck, and said, hee will come forth in all weathers for a double fee; especially if hee bee lapt in a lambs skin Come, I say you must go with my poulterer, come, leave your ducking, diving, and bowing, and your cringing to me; doe not take me for an altar. Some of you speak like diocestors; and though your faces resemble men, you have foule bodies and dangerous reservations within your hearts. But what

is that paper which is about your brother ducks neck, let me see; O it is a coppy of the new oath; let me see it, that I may understand the contents, and view the substance of each particular. And so I leave you and your brother duck, to the next flight, which will be suddenly to Westminster.

A Dialogue between two Zealots concerning &c. in the New Oath, devised by the Bishops to deceive their Brethren.[1]

Sir Roger from a zealous piece of freeze,
Rais'd to a vicar of the childreus threes,
Whose yearely audit may by strict account
To twenty nobles, and the vailes amount;
Fed on the common of the female charity,
Untill the Scots can bring about their parity;
So shotten that his soule like to himselfe
Walkes but in Quirpo, this same clergy elfe;
Encountring with a brother of the cloth,
Fell presently to cudgells with the oath;
The quarrell was a strange mishapen monster,
Etc. God blesse us, he did construe
The brand upon the buttock of the beast,
The dragon's tayle ty'd on a knot, a nest
Of young apocripha's, the fashion
Of a new mentall reservation.
While Roger thus divides the text, the other
Winkes and expounds, saying, my pious brother,
Hearken with reverence, for the point is nice,
I never read on't, but I fasted twice;
And so by revelation know it better,
Then all the learn'd idolaters of the letter.
With that he sweld, and sate upon the theame
Like great Goliah, with his weavers beam.
I say to thee &c. thou lyest;
Thou art the curled locke of antichrist:
Rubbish of Babell, for who will not say,
Tongues are confounded in *et cætera*;
And sweares &c., swears more oathes at once
Then Cerberus out of his tripple sconce;
Who views it well, with the same eye beholds
The old false serpent with his numerous folds
Accurst &c. now, now I scent,
What the prodigious bloudy oysters meant.
O Booker, Booker, how cam'st thou to lacke
This friend in thy prophetic almanack?[2]

[1] The oath attached to the canons, adopted in 1640, contained the following clause:—"Nor will I ever give my consent to alter the government of this church by archbishops, bishops, deans, and archdeans, *et cætera*, as it stands now established, and as by right it ought to stand." The insertion of the words *et cætera* into an oath, which ought to be as explicit as solemn, is ridiculed in the following verses.

[2] "This Booker was a great fishing-tackle maker in King Charles the First's time, and a very eminent proficient in that noble art and mystery, by application to which he came to have skill in the depth of ponds and

'Tis the dark vault, where the infernall plot,
Of powder 'gainst the state was first begot:
Peruse the plot, and you shall soone descry it,
By all the father Garnets that stand by it,
'Gainst whom the church (whereof I am a member)
Shall keepe another fifth day of November.
Nay, here's not all, I cannot halfe untrusse
Et cætera, 'tis so abominous.
The Trojan horse was not so fully lin'd,
Unrip &c. and you shall find
Ogge, the great commissary, and which is worse,
Th' apparitor upon his sky-bald horse:
Then finally, my babe of grace, forbeare,
Et cætera will be too far to sweare;
For 'tis (to speake in a familiar style)
A York-shiere way-bit longer than a mile.
Here Roger was inspir'd, and by godds diggers,
He'l sweare in words at length, and not in figures;
Now by this drinke, which he fetch'd off as loath,
To have *et cætera* in his liquid oath:
His brother pledg'd; and in that bloudy wine,
He swore hee'l be the synods Cataline:
Thus they drank on, not offering to part,
Till they had sworn out the eleventh quart,
Whilst all that saw, and heard them, then did pray,
They and their tribe were all &c.

FINIS.

A Speech spoken in the House of Commons, by the Reverend Father in God, Robert, Lord Bishop of Coventry and Litchfield; being brought to the Bar to answer for himself.

Printed in the year 1641.

The bishops having been committed to the Tower, and accused of high treason, as mentioned in the introduction to the last article, were severally brought to the bar of the House of Lords, 15th January, 1641-2, to put in their answers to the impeachment, which they did in form following:

rivers. He lived at the house in Tower-Street, that is now the sign of the Gun; and being used to this sedentary diversion, he grew mightily cogitabund, from whence a frenzy seized on him, and he turned enthusiast, like one of our French prophets, and went about prognosticating the downfall of the king and popery, which were terms synonymous at that time of day. 'Tis true Cornelius, *a lapide*, *Angl.* Corn. Stone, has given him the title of a stargazer; but I have it from some of his contemporaries, that he was nothing of a conjurer, only one of the moderate men of those times, who were tooth and nail for the destruction of the king and royal family, which put him upon that sort of speculation."—*Note in* RITSON's *Popular Songs, on a line in that entitled,* "*The King shall enjoy his own again.*"

"I—, Bishop of —, saving to myself all advantage of exceptions to the insufficiency of the said impeachment, for myself say, that I am not guilty of the treason charged by the said impeachment, in manner and form as the same is therein charged." It would seem that the Bishop of Coventry and Litchfield endeavoured to mollify the house by the subsequent address.

Master Speaker,

As it hath been ever my fashion (and, in truth, it is my disposition) to endeavour, at the least, to give satisfaction to every man, even to the meanest, that hath had any sinister conceptions of me, be it *scandalum datum* or *acceptum;* so hath it been my ambition, and I have sought it with affection (as to all men) so much more to this honourable assembly, especially concerning the late petition and protestation exhibited unto his sacred majesty, and the lords and peers in parliament. But, in the first place, master speaker, I am, as it becomes me, to give most hearty and condign thanks to the noble knights, citizens, and burgesses, of this honourable house of commons, for that they have been pleased, by a general vote, and, I hope, unanimous, to give me leave to speak for myself, and to lay open the truth of my cause, concerning the said petition and protestation before them. And now, master speaker, to address myself to the business, whereof I shall not speak as a lawyer, for I have no head for law, neither shall I need to touch upon any point thereof; nor as a flourishing orator, as desirous to hear himself speak, I have long since laid aside my books of rhetoric: my desire is, master speaker, to tread in the steps of an old divine, of whom Sozomen writes in his ecclesiastical history, who, groaning under the like heavy burthen and accusation as I do, chose rather to vent his own sense, and express the truth of his cause in plain language, than to colour or cloak falsehood, and to extenuate his offence, by forced, trapped, and new varnished eloquence; and to that purpose, my conceptions and narration shall stand only upon two feet, negation and affirmation. There are some things that I must deny, and, yet justly, somewhat I must affirm, and that I shall do ingenuously and fully. First, for the negative: I never framed, made, nor contrived, compiled, or preferred, any such petition or protestation; I never was at any meeting, consultation, or conference, about any such business; nay, I never heard of any intention, much less execution, of any such thing, until it was the Wednesday in Christmas, being the 29th of December, at which time it was brought to my house in Covent Garden, betwixt six and seven at night (subscribed by eleven of my brethren) with a request, that I would subscribe suddenly also. And for the affirmation, presuming that so many learned, grave, and wise men, well versed in matters of that nature, would not have attempted any such thing, without good counsel, to the endangering of themselves, and their brethren, and to the distaste of the lords, and that all the rest of the bishops, in or about the cities of London or Westminster should subscribe thereunto, and that it should not be preferred, without the approbation and mature deliberation of good counsel, and of us all: I made the twelfth, and set to my hand, which I do now acknowledge, and never denied; nay, the first time I came to the bar in the lord's house, I acknowledged that my hand was to it, and divers of this honourable presence heard it so read unto them, out of the journal of the lords' house.

Now, master speaker, if these my deceived and deceiving thoughts (to use St Bernard's phrase) have led me into an error, the error is either *ex ignorantia juris*, an unskilfulness in the law, or *debilitate judicii*, a weakness of my apprehention, or else *ex nimia credulitate*, out of too much confidence in others, not of any prepensed malice, or out of a spirit of contradiction, as the Lord knoweth. The schoolmen tell me, that *duo sunt in omni peccato*, there is, *actio, et malitia actionis;* I own the action, the subscription is mine; but that there was any malice in the action to cross any vote, at which I was not present, nor ever heard of, I utterly disavow.

And therefore, master speaker, I shall become an humble suitor, that I may recommend three most humble requests, or motions, to this honourable house.

The first motion is, that you would be pleased to tread in the steps of Constantine, the christian emperor, who had ever this resolution, that, if he should see *sacerdotem peccantem*, an offending divine, he would rather cast his purple garment upon him, than reveal the offence, for the gospel's sake of Christ.

My second motion is, that, if my subscription shall make me a delinquent and worthy of any censure, then the censure may not exceed, but, at the highest, be proportionable to the offence.

The third and last motion is, that of Plautus (after my fifty-eight years painful, constant, and successful preaching of the gospel of Christ in the kingdom of England, and in foreign parts) may not be verified of me: *Si quid bene feceris, levior pluma gratia est; si quid mali feceris, plumbeas iras gerunt.* And now, master speaker, I might here tender divers motions to the consideration of this honourable house, for favourable construction of my rash subscription; I may say commiseration, but all without ostentation; that is far from me; but rather for the consolation of my perplexed soul, for the great affliction, restraint, and disgrace, which I have long sustained (which is far greater than ever I endured before, and transcends the dangers and jeopardies of the seas, and the miseries of the wars, whereof I have had my share) and partly for the vindication of my former reputation, calling, and profession, which is now so clouded, eclipsed, and blacked in the eyes of the world, and scandalised in the mouths of the vulgar multitude, that, without reparation, and restoration to my former esteem, I shall never have heart to shew my face in a pulpit any more, wherein I have wished to end my days. But I wave them all, because I will not detain you from other occasions of greater importance, and desire my ways may be made known unto you rather by inquisition, than my own relation: only I shall appeal to the noble knights, citizens, and burgesses of the diocese where I now live, and of the other, wherein formerly I did live, as, namely, the honourable city of Bristol; which I can never name without that title, not only in respect of their piety, unity, and conformity, but also in respect of their love, kindness, and extraordinary bounty unto me: I appeal to them for their testimonies, and knowledge of my courses amongst them; nay, I appeal to the records of the honourable house, where, I am confident, after sixteen months sitting, there is nothing found, that can trench upon me; neither, I hope, will, or may be.

And therefore my humble suit is for expedition, if you intend accusation; or rather for your mediation, that I may speedily return to my own home and cure, to redeem the time, because the days are evil, as the apostle speaks, and to regain the esteem and reputation, which I was long in getting, and long enjoyed, but lost in a moment; for, if I should out-live, I say not my bishoprick, but my credit, my grey hairs and many years would soon be brought with sorrow to the grave.

A true Relation of that memorable Parliament, which wrought Wonders, begun at Westminster, 1386, in the tenth Yeare of the Reign of King Richard the Second. Whereunto is added an Abstract of those memorable Matters, before and since the said King's Reign, done by Parliaments. Together with the Character of the said amiable, but unhappy King, and a briefe Story of his Life and lamentable Death.

Printed in the Yeare 1641.

This is one of the numerous historical tracts, published by way of illustration, to sharpen the resentment of the people against the counsellors of Charles I., and to prepare them for seeing a doom inflicted upon his judges, similar to that which was suffered by Bambre and Tressilian, in the reign of Richard II.

This present occasion so opportunely befitting me, I am resolved to treat of that which hath been omitted and slipped out of memory long since, concerning divers and sundry changes and alterations in England, in former times; nor will it be any way burthensome to write of that, whereby every good and carefull reader may learne to avoid diversities of miseries, and the danger and feare of cruell death. I will therefore speake of that which hath lain hid in the darksome shade of forgetfulnesse, concerning men who have been led away by the deceitfull path of covetousness, and have come to a most shamefull and ignominious death; a famous example, to deter all men from practising those or the like courses.

About the yeere of Christ, 1386, at such time as Richard, the second of that name, then in prime of his youth, swayed the imperiall scepter of our realme, there flourished, famous in his court, certain peers, though some of them not of any honourable descent, yet favoured by fortune; by name, Alexander Nevill, archbishop of Yorke; Robert Vere, D. of Ireland; Michael de la Poole, earle of Suffolk, then lord chancelor; Robert Tresilian, lord chiefe justice of England; and Nicholas Bambre, sometimes maior of London.

These men being raised from meane estates by the special favour of the king, and advanced to the degree of privie counsellors, were the men who had the onely rule of the common-wealth, which they, under the king, governed for some small space with careful diligence, meriting thereby deserved commendations. But not long did they thus steere the ship of the kingdome; for many of them being of inferiour ranke, by birth, nor having their veines dignified with the streams of noble blood, they were the sooner enticed with the libidinous baits of voluptuousnesse, and infected with insatiable itch of avarice; insomuch, that, despising the authority of the king, and neglecting the commoditie of the realme, but onely desiring to keepe up the revenues of the kingdome, so wrought, that by their policie the king is impoverished, the treasure exhausted; the commons murmure at the multiplicity of tenths, lives, and subsidies; the peers repine to see themselves disgraced, and their inferiours honoured; and, in a word the whole kingdome endures an universall miserie.

The nobility seeing the miserable estate wherein the kingdome lay bleeding, as it were, to death, urged their king to summon a parliament; which was done shortly after. In which, amongst many other acts, the afore-named Michaell de la Poole is dismist of his chancellourship; and being accused of divers and many points of injustice, as briberie, extortion, and the like, he was soone after cast into the castle of Windsor, and all his lands, which were of no small revenue, were confiscated to the king. Neither did the parliament here give over, but provided further for the whole state; but the mutuall consent of the king and prelates, barons, and commons, with an unanimous conjunction, they constitute and give plenarie and absolute power to certain commissioners, as well of the spiritualty as of the temporalty; for the ordering and disposing of the publique affaires, according as shall seeme best and most necessary for the desperate estate of the common-wealth, to depresse civill dissentions, and to pacifie and appease the grudgings of the people.

Of the spiritualty, were chosen the archbishop of Canterbury, the aforenamed bishop of Yorke, the bishop of Ely, lately made chancelor of England, the bishop of Winchester, bishop of Hereford, lord treasurer, bishop of Exeter, abbot of Waleham, and the Lord John of Waltham.

Of the layty were elected the duke of Yorke, the earle of Arundel, the Lord Coltham, the Lord Scroope, and John Devereux, knight; these, as men eminent in vertue, were chosen by the generall suffrage, and sworne to carry themselves as dutifull and obedient subjects in all their actions. And it was further enacted, that if any should refuse or disobey the ordinances so made for publique good, the punishment of his first offence should be the confiscation of his goods; and for the second, the losse of life. Thus disposing all things for the best, the parliament being dissolved, every man returned to his own house.

Soone after, the afore-named chancelor, with others their confederates, being moved with implacable fury against the statute of the late parliament, they buzzed into the kings eares, that the statutes lately enacted were very prejudiciall to the honour of his crowne, and much derogatory to his princely prerogative; insomuch, that he should not have power, without the consent of the new appointed commissioners, to doe any thing befitting a king, no, not so much as to bestow a largesse, a principal means to gain the people's love, upon any, though never so well deserving.

By these and other the like impious instigations, with which the devil (as never unmindfull of the end of those, who by their lives doe prove themselves,) did continually supply them, they practised to annihilate and disanull these acts of the parliament, which seemed any wayes to abbreviate or curbe their usurped authority.

And, first, by their serpentine tongues, ambitious projects, flattery painted out with glosing discourses, and covered over with the shadow of vigilancie for the good of the kingdome, they so bewitched the noble inclination of the youthfull king, whom they induced to beleeve, that all the ill they did was a generall good; that hee began to distaste and at last to abhorre the last passed acts, as treacherous plots and most wicked devices.

Next, they studied how to ingrosse all or most part of the wealth and riches of the kingdome into their owne coffers; and to the same end, dealt so cunningly, yet pleasingly, with the king, that hee gave to the D. of Ireland, John of Bloys, the heire of the duchie of Britaine, and his ransome; to others, townes; to others, cities; to others, lands; to others money, amounting to the summe of 100,000 marks, to the great impoverishment both of king and kingdom; neither did these king-eaters and realme-devourers any thing regard it, but setting unskilfull and insufficient captaines and governours over townes and forts so obtained, gave occasion to the enemies of the crown to surprize them, and dispossess the king of them.

Thirdly, vilifying the dignity of the king, contrary to their allegeance, they drew

the king to sweare, that, with all his power, during his life, he should maintaine and defend them from all their enemies, whether forraine or domestick.

Fourthly, whereas it was enacted by the last parliament, that the king at certaine seasonable times, and when his leysure would permit him, should sit at Westminster, with his councell there, to consult of the publique affaires; through the perswasions of the aforesaid conspirators, hee was drawne into the remotest parts of the realme, to the greatest disparagement of the fidelity of those honourable, grave, and faithfull peeres, late made joynt commissioners, in whose hands the whole safety and prosperity of the common-wealth did reside.

And when, as the lord chancellor, the lord treasurer, keeper of the privie seal, or any other of the privie councell, came to relate any of their owne actions, or the state of the realme, they could not be granted accesse, unlesse they related the businesse in the presence and hearing of the conspirators, who were always ready to upbraid them if they uttered any thing that displeased them, and to commend them for any thing (though most nefarious) that did content them, for thus could they the sooner learne and dive into the acts of the commissioners, and the better finde evasions for their accusations; furthermore, when as the king in company of the conspirators went in progresse towards the parts of Cheshire, Wales, and Lancashire, they made proclamation in the kings name throughout the shires as they journeyed, that all barons, knights, esquires, with the greatest part of the commonalty able to beare armes, should speedily repaire to the king for his defence against the power of the commissioners, chiefly of the duke of Gloucester and the earle of Arundell, because they, above the rest, did, with their chiefest endeavours, study to suppress and quell the devices of the conspirators.

Fifthly, contrary to the aforesaid acts, they caused the D. of Ireland to bee created chiefe justice of Chester, thereby selling justice as they listed, condemning the guiltlesse, and remitting the guilty, never respecting or looking unto the equal ballance of justice, but poyzing downe the scales with heaps of bribery.

Sixthly, by the procurement of the confederates, they caused certaine honest persons, who would not consent to their extortions, to be called and summoned to their court, and there to answer to certaine false accusations, wherewith they were unjustly charged by perjured hirelings; of which men so accused, some were put to death, some cast into prison, all were vexed and troubled with delayes, length of their journey to and fro, and excessive charges; neither were they eased of any of these burthens, unlesse they would part with round summes of money to the D. and his complices.

Seventhly, they gave pardons under the broad seale, to felons, murtherers, and such like, only with this condition, that they should murther any whomsoever they thought did mislike their exaction.

Eightly, they taught the country of Ireland to looke to its pristine estate, I meane, of having a king; for they plotted to have the duke created king of Ireland; and for the confirmation of which their design, they allured the king to send his letters to the pope.

Ninthly, the aforesaid Nicholas Bambre, in the time of his maioraltie, caused two and twenty to be falsly accused of felonies, and layed into Newgate, under pretext and colour of divers crimes, and in the silent and dead time of the night to be fast bound, and by a strong hand to be carried into Kent, to a place commonly called Fawlocks, and then to have their heads struck off, except one, who, being favoured by the murtherers, safely escaped; the blood of the rest dyed the streames of a small rivulet adjoyning.

Tenthly, soone after, to adde one mischiefe to another, they sent letters under the king's signet, to the maior of London, by John Rippon, clerke, with a certain libell or schedule inclosed in the said letters, the tenor of which is as followeth:

That the afore-named three commissioners, viz. the Duke of Gloucester, the Earles

of Arundel and Warwick, and other of the councell, were to be arrested, indicted, condemned, and put to lamentable death, as being such as had conspired against the king, against his prerogative, and against his crowne and imperiall dignity; and to this, they did in a manner constrain the king to assent unto. Upon receit of these letters, the maior and aldermen of the city of London, called a common-councell, wherein they consulted what course were best to be taken in this matter; and after long debate *pro et con*, it was on all sides agreed, to deny and not to suffer that cruell and unheard of tragicall complot to be executed.

It ever happeneth one wicked act drawes on a second, and that second a third, and so forwards, till the weight cracks the supporter.

Therefore the said conspirators being blinded with rashnesse, principally sent letters by John Godfrey, knight, to the king of France, the king's adversary, to conclude a five years truce, should come over to Callis, and from thence should send for the duke of Gloucester, the earles of Arundel and Warwick, and some other of the commissioners, as though the king were unwilling to determine of any thing without their advice; and being thus circumvented, should be condemned as traitors, and so put to an ignominious and cruell death.

And for the doing and performing of these things, the king of France was to recover all the castles, townes, and lands lying in these countreys, and belonging to the king of England: To prove these things to be true, there were certaine writings produced by the commissioners, wherein were contained letters from the king of France, to the king of England, and from the conspirators in the king of England's name, to the king of France.

Moreover, there were other letters intercepted, directed to the king of France; the substance whereof was, to incite the king of France to levie a puissant power, both horse and foot, and to draw them down to Bulloigne, and thence to transport them into England, against the duke of Gloucester, the earls of Arundel and Warwick, and the rest of the commissioners, and all those that did either countenance or favour the said statute and commissioners; which, as they falsly alleaged, was made in derogation of the king's prerogative, and the aforesaid commissioners to vanquish, oppresse, and put to death, and consequently the whole nation and language utterly to ruin.

Not here concluding their divilish conspiracy, the five aforesaid conspiratours departed from Westminster, to the castle of Nottingham, and sent a writ for Robert Beale, lord chief justice of the common pleas, John Holt, Roger Fulthorp, and William Burleigh, judges of the said court, and for John Locton, the king's sergeant at law; who, being come into the councel chamber, not knowing what they were sent for, the aforesaid conspirators caused the gates and doores of the castle to be shut, and then propounded these questions following unto them:

First. Whether those statutes, ordinances, and commission made in the late parliament, at Westminster, were derogatory to the king's dignity and kingly prerogative; and because they were to be punished who did procure those constitutions, and did incite and move the king to consent unto them, and did as much as in them lay to hinder the king from exercising his royall prerogative.

To these and other the like questions, with a joynt consent they answered, that they were to suffer death as traitors, or else to endure some capitall punishment: in witnesse of which assertion, being terrified with the feare of present death, the aforesaid judges, together with John Carey, lord chief baron of the exchequer, they signed and sealed a certain writing, in manner of a protestation, in presence of these witnesses, Alex. Nevill, archbishop of Yorke, Archbishop, Bangor, Robert, duke of Ireland, Michael, earle of Suffolk, John Rippon, clerk, and John Black, fruiterer; dated the 19 of September, *anno dom.* 1387, in the 11 yeere of the reigne of k. Richard the Second. Then were they compelled to sweare, that they should keepe the passages undiscovered,

upon pain of death, and so they had licence to depart. And when they had plotted those and many other devillish conspiracies, they bound themselves by an oath, to try all wayes and use all means, as far forth as lay in their power, to disanull and utterly abrogate the acts and statutes of the last parliament.

And that which is worse, they caused the king to sweare, that in his proper person with his whole power, he should take revenge of the duke of Gloucester, of the two earles and their adherents, by causing them to be put to death.

The carriage of all which actions may more easily be known, if the time and the order of them be duly considered.

But our merciful and ever gracious God, although there were so many plots, so many conspiracies, so many treasons wrought against our state, whereby many miseries did accrue to our kingdome; yet unwilling to take revenge, or so punish us for our sinnes, but rather according to his gracious pitie, to ease us of our burthenous calamitie, inspired into the hearts of the aforesaid duke of Gloucester, the earles of Arundel and Warwick, the spirit of valour and magnanimitie; who, seeing the heap of ills that daily did arise by the practices of those conspirators, they set almost in every part of the kingdome intelligencers, who should apprehend all messengers, and intercept all letters of the kings, or that went under the king's name, and should send them to the commissioners.

And thus did they come to have intelligence of the whole plot of the conspirators; all their letters being indorsed with glory be to God on high, on earth peace, and good will towards men: and by coming to the knowledge of each circumstance, they found that the kingdome was at the point of destruction; according to that evangelicall saying, every kingdome divided against itself shall be dissolved: wherefore they sought for a remedy; for, by the law of nature, it is tolerable to repell violence by violence; sithence it is better to prevent then to apply a remedy to a wound, every man, according to his ability, levied a power for the preservation of the king and kingdome; all which forces being united, amounting to the number of 20,000 fighting men, and courageously resolving to frustrate all the intended designes of the conspirators, and to open the nut by cracking the shell, they divided their army, committing part of it to the earle of Arundel; who by night marched away with his forces, and pitched his tents neere to London; there fortifying himself in the forest adjoyning, untill such time as hee had gained more convenient time and greater force, by the coming of his consorts; and in the mean time he used such discipline in his campe, that he lacked nothing; but all things were there sold at reasonable rates, as if it had beene at a market; and hardly could he contain the common people for joyning with him, for the overthrow of the conspirators and their adherents.

On the other side, the conspirators intending to prevent their purposes, by power of a certaine spiritual commission, and by virtue of certaine letters patent, in the hands of the conspirators, though nothing to the purpose; yet, to blind the people, they caused to be proclaimed throughout the whole citie of London, that none, upon paine of the forfeiture of all their goods, should neither sell, give, or communicate privately or publiquely victuall, armour, or any other necessaries to the army of the earle of Arundel, but should debarre them of sustentation, comfort, or help, as rebels to the king and country. But, on the other side, they began to fear when they were denied their hoped-for aid, by the maior and commonalty of the citie of London; and againe, they were troubled at the rising of the commoners, to invade them. Wherefore they counselled the king to absent himselfe from the parliament (which was to begin at Candlemas next, according as the king and commissioners had appointed it) and not consult of the affairs of the kingdome, nor of his own estate, commodity, or discommodity, unlesse the duke of Gloucester, the two earles of Arundel and Warwick, with the rest of the commissioners, would sweare, that neither they, nor any in their name, should accuse them or urge any accusation against them.

And they caused it to be proclaimed throughout the city of London, that none, under pain of confiscation of all their goods, should speake any upbraiding speeches concerning the king or the conspiratours; which was a thing impossible to hinder.

Not long after it happened, that the king, with the aforesaid five conspiratours, came from his mannor of Sheeve, to Westminster, to saint Edmond's tomb, for the solemnizing of a pilgrimage. The maior and aldermen of the citie of London met him on horsebacke. sumptuously attyred, honouring him very much. And when they came to the Mews, they descended from their horses, and went bare-foot to the tombe of saint Edmond; whereas the chaplain of the commissioners, with the abbot and convent, met them with a stately procession.

In the meantime the three noblemen, viz. the duke of Gloucester, and the earles of Arundel and Warwick, having mustered their troops on the fourteenth of November, in the same yeare, at Waltham-crosse, in the county of Hertford, and from thence sent for the commissioners that were at Westminster, in parliament with the king, sending an accusation in writing, to the king, against the aforesaid conspirators, viz. the archbishop of Yorke, duke of Ireland, earle of Suffolke, Robert Tresilian, and Nicholas Brambre; wherein they accused them of high treason; which their appellation they did offer to maintaine, and that they were willing to prosecute the same; and to prove it to be true, they caused also the rest of the commissioners to subscribe as parties to their appellation.

When these things came to the eares of the king, he sent unto them, requiring to know what their request was, and what they wished to have beene done: They returned answer thus; that they did desire that the traytors which were alwayes about him, filling his eares with false reports, and did dayly commit insufferable crimes and injuries, might be rewarded with condigne punishment; for it were better that some few should dye for the people, than the whole nation should perish.

And they likewise craved, that they might have safe liberty of going and comming to his grace.

When the king heard their request, hee gave them his royall consent, and commanded them to appeare at Westminster; and the king sitting on his throne in the great hall, the three aforesaid peers appellants, with a gallant troup of gentlemen entred, and making three lowly obeysances on their bended knees, they reverenced the king; and drawing neere (the cause of their comming being alledged) they there againe appealed the archbishop, duke of Ireland, earle Treasurer, and Brambre, of high treason, according as they had done before at Waltham crosse; but they betake themselves to the private corners of the palace, even as Adam and Eve from the presence of God, not having the heart to appeare to justifie themselves.

The king called forth the appellants, to prove and prosecute the appellation, prescribing them a day and place for the tryall, which was to be on the morrow after Candlemas day; and in the meanetime, the king commanded them, upon their honours, not any party to molest the other, untill the next parliament.

Those things passed, were publiquely proclaimed throughout all England, and they departed joyfully.

The duke of Ireland, under the guide of his grand captain the devil, marching into Cheshire, Lancashire, and Wales, raised a new power, amounting to the number of 6000 fighting men, in the king's name, to overthrow and confound the appellants; from thence marched towards London with his armie, with a furious intent and resolution to perform his bloudy designe. But God beholding their foolish hearts, filled them with vain hopes, that they should accomplish their enterprises. And whilest these plots were laid, the appellants being suddenly advertised thereof, raised a power, and joyning with them the earle of Derby. and the earle of Nottingham. and other commissioners, marched with long and wearied marches into a field neere a village

called Witney, at a place called Locford Bridge: In which field the duke of Ireland was with the army, having a river on the one side of them, whereas they stood ready prepared to give an overthrow to the appellants, and displaying the king's standard, contrary to the laws of the land: but although they were so valiant at the beginning, yet were they discouraged at the end; for, when they saw the army of the appellants marche downe from the mountains like a hive of bees, and with such a violent fury, feare benummed them, and they were so amazed, that, when they should give the assault (God not suffering the effusion of blood) they stood like a hive of bees, or a flock of cattle without a head, making no shew or countenance of resisting: but, without any stroke given, they flung downe their armes, and yielded themselves to the mercy of the appellants; and a few being slaine, and some drowned in the river, gave an easie victory to the conquerors. The duke of Ireland himselfe putting spurres to his horse, tooke the river, and hardly escaped; and though he was pursued, yet hee escaped through the middest of the troupes. And thus by the mercy of God they obtained the glorious palme of victory from the hand of Heaven.

When the news of the victory was blowne to the eares of the rest of the conspirators, who were stricken with feare, and carefull for their preservation, under covert of the night they fled by water to the Tower, drawing the king along with them.

On the other side, Nicholas Brambre, with a bold resolute courage, in the king's name caused all the gates of the city to be shut against the appellants, and to be guarded with an able and sufficient watch: but these worthy and dauntlesse members of the commonwealth marched towards London, to conferre with the king; but when they heard that the said Nicholas Brambre had caused the gates of the city to be shut against them, and to be strongly guarded, and that the whole city did purpose to keepe them out, they stayed their resolution.

On the 27 day of September, in the same yeare, with a melodious sound of divers kinds of instruments, as well of warre as of peace, they encamped themselves in Clarkenwell, within the liberties of the citie of London; not purposing on the one side, rashly or unadvisedly to enter the city, nor, on the other side, to make any shew of feare; but with a stayed minde (as befitting wise men) with good deliberation to conclude every thing in its due time. And when as the maior, with the citizens, came unto them with pleasing words, promising unto them all that the city could afford, with reason and equity, the duke of Gloucester said, Now I know, that lyers speake nothing but lyes, neither can any man hinder them from the relating: Whereupon, by a joint consent, in the evening they removed their tents, and pitched them before divers gates of the city.

On the morrow there hapned an interview betweene the king and the appellants, so farre, that they opened their minds one to the other: but, because the king loathed to speak with them, with such a rabble of men, and in regard of an intolerable boldnes and some quarrell, which was like to arise; and, on the other side, refusing to goe out the Tower to speake with them, and the appellants fearing some violence or wrong to be offered to them, would not speake with the king without a strong guard of valiant warriours; therefore the most wise of the appellants, after divers disputations, had resolved to goe and conferre with the king: but first they sent a strong troupe, well armed, to search all the corners and caves of the Tower; and relation being made of the safety of the place, with a selected band of valiant cavaliers, they entred the Tower, and seising the gates and placing a guard, appeared before the king; and there the third time appealed the aforesaid conspirators, in the same sort and forme as before: which appellation being ended, the king swore, that he would adhere to their counsell, as a good king and a just judge, so farre as the rule of law, reason, and equity did require.

These things being accomplished, they departed from the Tower to their tenements and lodgings: and then it was published and made known in the presence of the king,

and throughout the dominions, that on the morrow after Candlemas day the conspirators should personally appeare, to answer to the appellation, whereby they were charged of so many treasons.

And because the harvest was now ripe, and time convenient to cut up those pestiferous cockles and thistles, by the assent of the king, and consent of the said commissioners and appellants, they expulsed divers of the officers of the houshold; viz. in the place of John Beauchamp, steward of the houshold, they appointed John Devoureux, knight, one of the commissioners; Peter Courtney, knight, was made chamberlaine, in the stead of Robert Duke of Ireland. And the aforesaid John de Beauchamp, Simon de Burleigh, vice chamberlaine, John Salisbury, Thomas Trynett, James Barats, William Ellingham, and Nicholas Nagworth, knights; and officers of the clergie, (viz.) Richard Metford secretary, John Blake deane of the chappell, John Lincolne chancelour of the exchequer, and John Clifford clerke of the chappell, were kept under arrest too, and were as partakers in the aforesaid treason; for that they knowing and having intelligence of the said conspiracie, they did not discover them.

Others also as servants of the aforesaid conspirators, and drawn in by craft, yet guiltless, were dismissed and sent away as men unprofitable, and good for no use.

And thus this hideous brood of monsters, so often shaken, was quite overthrown.

And on the vigil of the purification of St Mary, in the privie chamber at Westminister, by joynt consent of all the commissioners, the aforesaid John ———, John Holt, Roger Fulthorp, William Burleigh, John Locton, and John Carey, were displaced from their offices, and without any further adoe arrested of treason, and by the command of the chancelor were clapt into the Tower; and Roger Carleton in the place of Belknap, Walter Clapton in the place of Tressilian, were constituted: and so for that time they departed, and went to dinner.

And because Shrovetide was thought a fit time to punish the delinquents according to their deserts; therefore the great parliament began, the second of February following, in this manner:

All the peeres, as well of the spirituality as of the temporalty, being assembled in the great hall at Westminster, the kinge soone after came and sate down in his throne; and after him appeared the five noblemen appellants, (the fame of whose admired worth ecchoed through all the land) entred the house in their costly robes, leading one another hand in hand, with an innumerable company following them; and beholding where the king sate, all at once, with submissive gestures, they reverenced the king. The hall was so full of spectators, that the very roofes were filled with them: and yet amongst this infinite multitude of the people there could not be found any of the conspirators, or of their complices; but Brambre was taken a little before, and cast into the gaole of Gloucester.

The clergie then placing themselves on the right hand, and the nobility on the left hand of the king, according to the ancient custome of the high court of parliament, the lord Chancelor standing with his back towards the king, by the king's command declared the cause of their summons to the parliament; which being ended, the five foresaid appellants arising, declared their appellation by the mouth of Robert Pleasington their speaker, who thus spake:

Behold, the Duke of Gloucester comes to purge himselfe of treasons which are laid to his charge by the conspirators. To whom the lord chancelor, by the command of the king, answered: My lord duke, the king conceiveth so honorably of you, that hee cannot be induced to believe, that you, who are of affinity to him in a collaterall line, should attempt any treason against his sacred majestie. The duke, with his four companions, upon their knees, humbly gave thanks to the king for his gracious opinion of their fidelity.

Then, after silence proclaymed, they arose, and delivered in certaine articles in writing, wherein were contained the particularity of the treason. Which said articles were read by Godfrey Martin, the clerke of the crowne, standing in the midst of the parliament house, by the space of two houres, with an audible voice. At the reading of which there was a wonderfull alteration in the house: for, whereas before the people were glad of the discovery of the treason, at the rehearsall of it, their hearts were so overcome with griefe that they could not refrain from teares. When the articles were read the appellants requested the king, that sentence of condemnation might be given against the conspirators, and they to receive the guerdon of their deserts; which the king promised to grant. This was the first dayes worke. The second was ended with variation of divers consultations which I will not relate in particular, but treat of the whole parliament in generall.

And when the third day came of their proceedings against the conspirators, the lord chancelor, in the name of the clergie, in open parliament, made an oration, shewing that they could not by any meanes be present at the proceeding, whereas there is any censure of death to be passed. For the confirmation whereof, they delivered in a protestation; which being read, they spake, that neither in respect of any favour, nor for feare of any mans hate, nor in hope of any reward, they did desire to absent themselves; but onely, that they were bound by the canon, not to be present at any mans arraignment or condemnation. They likewise sent their protestation to the chappell of the abby, where the commons sate; which was allowed of. And then, when the appellants called for justice against the conspirators, the lords of the spiritualty arose, and went into the king's chamber neere adjoyning.

But the king being moved in conscience, and in charitie perceiving that in every worke they are to remember the end, and being willing (contrary to the rigour of the law) to favour rather these that were guilty then the actors in that treason, if they were able to alledge any thing in their defence, caused the proeesse to cease: but the peeres (being earnest) requested, that no businesse past, present, or to come, might be debated, untill this treason were adjudged; to which petition, the king graciously granted his assent.

On the 11th day of February, when nothing could be alledged, nor no witnesse produced in justification of the conspiratours, but that the definitive sentence of condemnation must be pronounced against them, the aforesaid John Devoreux, marshall of the court, and for that time the king's lieutenant, adjudged them this heavy doome, that the said archbishop of Yorke, duke of Ireland, earle of Suffolke, Tressilian and Brambre, should be drawn from the Towre to Tyburne, and there to be hanged upon a gibbet untill they were dead, and all their lands and goods to be confiscated, that none of their posterity might be by them any way enriched.

On the 12th day of February, which was the first day of Shrovetide, Nicholas Brambre appeared in parliament; and, being charged with the aforesaid articles of treason, hee craved favour to advise of counsell learned, and some longer time for his more full answer to his accusation; but yet hee desired a thing neither usuall, nor allowable by the law, and required a thing which the rigour of law, in case of that nature, would not afford. But the judges charged him to answer severally to every point in the articles contained: Whereunto Brambre answered, whosoever hath brandcd me with this ignominious mark, with him I am ready to fight in the lists, to maintaine my innocencie, whensoever the king shall appoint. And this he spoke with such a fury, that his eyes sparkled with rage, and he breathed as if an Etna had lay hid in his brest; chusing rather to die gloriously in the field, then disgracefully on a gibbet.

The appellants hearing this couragious challenge, with resolute countenance answered, that they would willingly accept of the combat, and thereupon flung downe their

gages before the king; and on a suddaine the whole company of lords, knights, esquires, and commons flung down their gages so thick, that they seemed like snow in a winters day, crying out, wee also will accept of the combat, and will prove these articles to be true to thy head, most damnable traytor, and so they departed for that day.

And although the appellants were not idle on the night, yet on the next day, to aggravate their appellation against the conspirators, there came divers companies of the citie of London, complaining of the manifold injuries they had suffered by Brambre, and other extortions and exactions wherewith they had been dayly charged; and yet they protested, that they did not accuse him either for hate to his person, or for love, feare, or hope of reward from his enemies, but onely they charged him with the truth.

But before they proceed with his tryall, they were stayed by most unfortunate Tressilian, who being got upon the top of an house adjoyning to the palace, and had descended into a gutter onely to look about him, he was discovered by certaine of the peeres, who presently sent some of the guard to apprehend him, who, entering into the house where hee was, and having spent long time in vaine in looking for him, at length one of the guard stept to the master of the house, and taking him by the shoulder with his dagger drawne, thus said, Shew us where thou hast hid Tressilian, or else resolve thy dayes are accomplished; the master trembled, ready to yeeld up the ghost, for feare answered, Yonder is the place where he lyes, and shews him a round table covered with branches of bay, under which Tressilian lay close covered; when they had found him they drew him out by the heeles, wondring to see him, as vipersuse, to weare his head and beard o'er-growne, with old clowted shoes, and patched hoes, more like a miserable poore begger, then a judge.

When this came to the eares of the peeres, the five appellants suddenly arose up, and, without expressing any reason, departed out of the parliament house, which bred alteration in the house, insomuch that many followed them, and when they come to the gate of the hall, they met the guard leading of Tressilian bound, crying, as they came, We have him! we have him!

Tressilian being come into the hall, was asked what he could say for himself, why judgment should not pass upon him for his treason so often committed? hee became as one that had been struck dumb, and his heart was, as it were, hardned to the very last, and would not confesse himselfe guilty of any thing: And for this cause the parliament arose, deferring Brambres triall till the next day. But Tressilian was without delay led to the Tower, that he might suffer the execution of the sentence passed against him; his wife and his children did with manie teares accompany him to the Tower; but his wife was so overcome with dolour and griefe, that she fell down in a swound as if she had beene dead.

Immediately Tressilian is upon a hurdle, and drawn thorow the streets of the citie, with a wonderfull concourse of people following him; at every furlongs end he was suffered to stand still to rest himselfe, and to see if hee would confesse and report himself of any thing; but what he said to the fryer his confessor is not knowne, neither am I able to search it out. When hee came to the place of execution hee would not climb the ladder, untill such time as being soundly beaten with bats and staves, he was forced to goe up, and when he was up, hee said, So long as I do weare any thing upon me I shall not dye; wherefore the executioner stripped him, and found certaine images painted like to the signs of heaven, and the head of a devill painted, and the names of many of the devills wrote in parchment; the exorcising toyes being taken away, hee was hanged up naked; and, because the spectators should be certainly assured that he was dead, they cut his throat, and, because the night approached, they let him hang untill the next morning, and then his wife having obtained a licence of the king, tooke downe his body, and carried it to the Grey-Friers, where it was buried. On the morrow, sentence was likewise pronounced against Bambre, who, being drawne upon a

hurdle from the Tower to Tyburne, thorow the city, shewed himselfe very penitent, humbly craving mercy and forgivenesse at the hands of God and men, whom he had so grievously offended, and whom he had so injuriously wronged in time past, and did earnestly desire them all to pray for him; when the rope was about his neck ready to be turned off. a certaine young man, the son of one Northampton, asked him if he had done justice to his father or not, for Northampton was sometimes maior of the citie of London. more wealthy and more substantiall then any else in the city, him did Brambre and Tresilian accuse of treason and conspiracie against the state, and condemned him to dye, being dispoyled of his estate, he himself at length hardly escaped; to whom Brambre answered, and confessed with bitter teares, that what hee did was most vile and wicked, and with an intent only to murther and overthrow the said Northampton, for which craving pardon of the young man, being suddenly turned off, and the executioner cutting his throat, hee dyed. Behold how pleasant and delightfull it is to climbe up to honour; I suppose it is better to live meanly at home with quietnesse amongst poore men, then to lord it amongst princes, and in the end to climb a ladder amongst thieves; it is even better to undergoe the burden then to assume the name of honour; therefore whosoever that doth not regard the lawes, let them observe and consider the end of these men, and with what period they finished their days.

These men being dispatched, the parliament discontinued their proceedings against the rest of the conspirators till a more convenient time; and tooke into their considerations other more weighty affaires of the weale publike, they made the earle of Arundell lord admirall, giving him authority to resist and to repulse either by sea or land the enemies of the crowne wheresoever he should find them.

And it was further agreed on, that, for the appeasing of all private discontents (if any were) the king, and the rest of the appellants, with the rest of the commissioners, should dine together in the great hall, which they did, and there was great joy at this reconciliation through all the kingdome.

When these things were concluded, they then began againe this araignment of the traytors, whereupon John Blake and Thomas Uske were indicted on the 4. day of March, who although they were men of inferiour quality, yet were they found to be parties in the said treason; Uske was a sergeant at armes, and was indicted amongst the conspirators, so that, being late made sheriffe of Middlesex, hee had indicted the five appellants and the commissioners as traytors, and Blake was an intelligencer of Tressilians, one that used to goe and come betweene the conspirators, and relate the state and successe of the treason from one to another.

And when they could say nothing to prove themselves cleare, sentence was pronounced upon them; as their masters were before them, they were carried to the Tower, and from thence were dragged at the horse taile to Tyborne, and there hanged.

But Uske obtained this favour, that his head was cut off after hee was hanged, and set aloft upon Newgate, for fowles of the aire to take repast.

On the sixth day of March there were called to answer, Robert Belknap, John Holt, Roger Falthorp, William Burleigh, John Locton, and John Carey, baron of the exchequer, for their conspiracy against the commissioners at Nottingham; but, because it is not needfull to rehearse every part of their indictment, they were all condemned like as the rest.

Whilst the peers were trying them, the clergie were retired into the kings chambers; but, when word was brought to them of the condemnation of the judges, the archbishop of Canterbury, the bishop of Winchester, the chancellor, the treasurer, lord keeper of the privie seale, arose hastily and went into the parliament house, powring forth their complaints before the king and the peeres, humbly upon their knees beseeching them that for the love of God, the Virgin Mary, and of all the saints, even as they hoped to have mercy at the day of judgement, they should shew favour, and not put to death the

said judges then present, and bitterly bewayling their iniquities, in whose hearts the very life, soule, and spirit of our English lawes lived, flourished, and appeared, and there appeared great sorrow both on the one part of the complainants, and also of the defendants.

The duke of Gloucester likewise, with the earles of Arundel, Warwick, Nottingham, and Derby, whose hearts began to be mollified, and joyned with them in their lamentable petition.

At length, by intercession of the clergy, the execution upon the persons was ceased, and their lives were granted them, but they were sent to the tower to be kept close prisoners.

On the 12. of March, being Thursday, it happened that the aforesaid knights, Simon de Burleigh, John de Beauchamp, James Baroverse, and John Salisbury, were brought into the parliament house, where their accusations were read, proved, they found guilty, and not any way able to cleare themselves.

From this day, almost till the ascension of our lord, the parliament house was only taken up with the tryall of Sir Simon Burleigh, for three appellants, viz. the duke of Glocester, the earles of Arundell and Warwicke, with the whole house of commons, urged that execution might be performed according to the law: And on the other side, the king and queene, the earles of Darby and Nottingham, and the prior of Saint John his uncle, with the major part of the upper house, did labour to have him saved.

But because the commons were tyred with so long delayes and excuses in the parliament; and fearing, as it was most like, that all their paines would be to little or no purpose, they humbly craved leave of the king to goe to their habitations.

There was also some muttering amongst the common people, and it was reported to the parliament, that the commons did rise in diverse parts of the realme, but especially about Kent, in favour of the said Sir Simon Burleigh, which, when they heard, those that before spake and stood for him, now flew cleane from him, and by joynt consent, on the fifth day of May, sentence was pronounced only against the said Sir Simon, that hee should be drawne from the Tower to Tyburne, and then to be hanged till hee were dead, and then to have his head stroke from his body. But, because he was a knight of the garter, a gallant courtier, powerfull, and once a favourite of the kings, and much respected of all the court, the king, of his speciall grace, was pleased to mitigate his doome, that he should only be led to Tower-hill, and there be beheaded.

On the twelfe of May, the Thursday before Whitsontyde, in like manner were condemned, John Beauchamp, steward of the houshold to the king, James Bereverous, and John Salisbury, knights, gentlemen of the privie chamber, whereof the two first, viz. James Beauchamp and James Bereverous, were beheaded on Tower-hill, but John Salisbury was drawn from Tower-hill to Tyburne, and there was hanged.

On the same day also was condemned the bishop of Chichester, the kings confessor; but, because of his great dignitie, he was pardoned. Now they began to loath the shedding of so much Christian blood, they tooke into consideration other more weighty affaires for the good of the realme concerning the wars with the Scots and French, concerning loanes and subsidues, and of the customes of wine and wooll.

And also concerning the translation of some bishops, because pope Urban the Sixth, after it came to his eares, that the archbishop of Yorke was condemned, to avoyd all hope of irregularity, he created him archbishop of Saint Andrews in Scotland: which archbishop was under the power of Scots, enemies to the crown; and in the gift of the arch-pope: and because the pope did chalenge half the title of all England to maintaine his wars, but although he craved it, yet he was denyed: therefore hee dealt warily and craftily, hoping to make up his mouth, by the translation of bishops: the bishop of Ely, then lord chancellor, was made archbishop of Yorke, the bishop of Dub-

blyn succeeded in his place; the bishop of Bathan-Wells in his place; the bishop of Sarum in his place, and the lord John of Waltham, lord-keeper of the privie seale in his place: And thus by his translation of bishops, he gained himselfe much money, according to the lawes of the canon; and when this came to the eares of the parliament, that such a summe of money should be transported out of the land, they strove what they could to hinder it, but could not, because the clergie gave their consent.

On the last day of May, the king appointed both houses to meet at Keemington, whereas they made a conclusion of all the tryalls of the said treason, granting license to Thomas Trenet, William Ellingham, and Nicholas Nangworth, knights, Richard Metford, John Slake, John Lincolne, clerkes, to put in baile, provided they were sufficient; and to goe into a place of England, where they listed without any let or hindrance of any of the king's officers.

Moreover, the six justices, with the bishop of Chichester, who stood condemned with them, were sent into Ireland, there to remaine for tearme of life, and thus they were to be divided, viz.

Robert Belknap and John Holt, in the village of Dromore, in Ireland, not to remaine as justices or as any officers, but to live as banished offenders, not to be out of towne above the space of two miles, upon paine of death; but the king, out of his gracious bounty, was pleased to give a yearly annuity of 40. pound to Robert Belknap, of 20. markes to John Holt, during their lives; and to Roger Fulthorpe the king allowed 40. pound, and to William Burleigh 40. pound during life, confining them to the city of Dublin, granting Burleigh the liberty of two miles, and to Fulthorpe three miles for their recreation; John Carey, and John Locton, with the yearly allowance of 20. pound during life, are confined to the tower of Waterford with the like liberty, and the like penaltie; and the bishop of Chichester is likewise sent to Corke, there to remaine with some allowance, and the like penaltie.

Behold these men who feared not God, nor regarded men, but having the lawes in their owne hands, wrested them now this way, now that way, as pleased best their appetites, wresting them at their pleasures for their owne commoditie, were at the last brought down to the depth of miserie, from whence they were never able to free themselves.

On the third day of June, which was the last day of the parliament, the king, the queene, the peers of both estates, with the commons, came to the abbey at Westminster, whereas the bishop of London, because it was in his diocesse, sung masse, and the masse being ended, the archbishop of Canterbury made an oration concerning the former danger of the oath, which being, although the peeres and commons had taken the oath of allegeance and homage to the king, yet, because the king was young when they tooke the oath a-new (as at the first) at his coronation.

These ceremonies being performed, the metropolitan of England, with all his suffragans there present, having lighted a candle, and putting it under a stoole, put it out, thereby excommunicating all such as should seeme to distaste, dislike, or contradict any of the fore-passed acts in the last parliament; and the lord chancellor, by the king's appointment, caused all that were present to swear to keep the said statutes inviolably whole and undissolved, as good and faithful liege-people of the kings, and the forme of the parliament was observed throughout all the realme.

On the morrow, which was the fourth day of June, many courteous salutations and congratulations having passed betweene the king, the nobility and commonalty, the parliament was dissolved, and every man returned home.

And now let England rejoyce in Christ, for that the net which was laid so cunningly for our destruction, is broken asunder, and wee are delivered. To God be the praise for all.

The Names of such as were charged and condemned of High Treason, in this aforesaid memorable Parliament.

Alexander Nevile, archbishop of Yorke.
Robert Vere, duke of Ireland, who was banished into France, where he was killed with a wild bore.
Michael de la Poole, earle of Suffolke, and lord chancellor.
Robert Tressilian, lord chiefe justice of the king's bench.
Sir Nicholas Brambre, sometimes lord maior of London, made a privie counsellour.
John Blake, a serjeant at armes.
Thomas Uske, an intelligencer of Tressilians.
All these, except the duke of Ireland, were drawne and hanged, at the Elmes, now called Tyburne.
Robert Belknap.
John Holt.
Roger Ealthorp.
William Burleigh.
John Locton.
John Carey, baron of the exchequer.
All these forme 6. named men, were as it seemes, judges, and although condemned, yet their lives were saved, at the intercession of some of the guiltlesse peeres, and they afterward were banished into Ireland.
Sir Symon de Burleigh was also condemned and beheaded; he was a knight banneret, and of the garter, a great and gallant courtier; and his body lyeth honourably buried and intombed in Paul's church.
Sir John Beauchamp, steward of the household to the king, and
Sir James Beverous, were also condemned and beheaded at Tower-hill.
Sir John Salisbury was condemned, drawne from Tower-hill to Tyburne, and then hanged.

There were also detected and condemned of the aforesaid Treason,
The Bishop Chichester, the king's confessor.
Sir Thomas Trinet, knight.
Sir William Ellingham, knight.
Sir Nicholas Nagworth, knight.
Richard Metford, clerke.
John Slake, clerke.
John Lincoln, clerke.

An Abstract of many Memorable Matters done by the Parliaments of this Kingdome of England.

By parliament, Sir Thomas Wayland, chiefe justice of the Common Pleas, 17. Ed. 1. was attainted of felony, for taking bribes, and his lands and goods forfeited, as appeares in the pleas of parliaments, 18. Edward 1. and he was banished the kingdome, as unworthy to live in that state, against which he had so much offended.

By parliament, Sir William Thorpe, chiefe justice of the King's Bench, in Ed. 3. time, having of five persons received five several bribes, which, in all, amounted to but one hundred pounds, was for this alone adjudged to bee hanged, and all his goods and lands forfeited.

The reason of the judgement is entered in the roll in these word :

Because that, in as much as in him lay, he had broken the king's oath made to the people, which the king had intrusted him withall.

By parliament, holden *anno* 22. Hen. the Second, assembled at Nottingham, and by advise thereof, the king caused the kingdom to be divided into 6. parts, and justices-itinerants appointed for every part, with an oath by them to be taken for themselves to observe, and cause inviolablie to be observed of all his subjects of England; the assises made at Claringdon, and renued at Northon.

By parliament, in the 11. of Edw. the First, the dominion of Wales was united to the crowne of England; in the parliament in *anno* 16. of Edw. the First, 1289, upon the general compts made of the ill administration of justice in the king's absence, by divers great officers and ministers of justice: these penalties were inflicted upon the chiefe ministers thereof, whose manifest corruptions the hatred of the people to men of that profession, apt to abuse their science and authority, the necessity of reforming so grievous a mischiefe in the kingdome, gave easie thereunto by the parliament then assembled, wherein, upon due examinations of their offences, they are fined to pay to the king, these sums following :

First, Sir Ralph Hengham, chiefe justice of the higher bench, seven thousand markes.
Sir John Loveton, justice of the lower bench, three thousand markes.
Sir William Bromton, justice, sixe thousand markes.
Sir Solomon Rochester, four thousand markes.
Sir Richard Boyland, foure thousand markes.
Sir Thomas Sadington, two thousand markes.
Sir Walter Hopton, two thousand markes.
These four last were justices-itinerants.
Sir William Saham, three thousand markes.
Robert Lithbury, master of the rolls, one thousand merkes.
Roger Leicester, one thousand markes.
Henry Bray, escheater and judge for the Jewes, one thousand merkes.—But
Sir Adam Stratton, chiefe baron of the exchequer, was fined in foure and thirty thousand markes. These fines, as the rate of money goes now, amount to neere three hundred thousand markes, a mighty treasure to be gotten out of the hands of so few men, which, how they could amasse in those dayes, when litigation and law had not spread it selfe into those infinit wreathings of contention (as since it hath) may seeme strange, even to our greater-getting times.

In the parliament, *anno* 2. of Edward the Third, held at Nottingham, that great aspirer Mortimer, was accused and condemned, and sent up to London, and drawn, and hanged at the common gallowes, at the Elmes, now called Tiburne.

In the 50. yeare of the raigne of Edward the Third, *anno dom.* 1376, was held a parliament, at Westminster, which was called the Great Parliament, where were divers complaints exhibited by the parliament, charging the king's officers with fraud, and humbly craving, that the duke of Lancaster, the lord Latimer, then lord chamberlaine, dame Alice Peirce, the king's concubine, and one Sir Richard Sturry, might be removed from court; their complaints and desires are so vehemently urged by their speaker, Sir Peter la Moore, that all these persons were presently put from court.

By parliament, all the wholesome fundamental lawes of this land were and are established and confirmed.

By act of parliament, the pope's power and supremacie, and all superstition and idolatry, are abrogated, abolished, and banished out of this land.

By act of parliament, God's true religion, worship, and service, are maintained and established.

By act of parliament, the two famous universities of Cambridge and Oxford have many wholesome and helpfull immunities.

By parliament, one Peirce Gaveston, a great favourite, and notable misleader of K. Edw. 2. was removed, banished, and afterwards, by the lords, executed. So were Hugh Spencer the father, and Hugh the sonne.

By parliament, Empson and Dudley, two notorious polers of the commonwealth, by exacting penall laws on the subjects, were discovered, and afterwards executed.

By parliament, the damnable Gun-powder Treason, (hatched in hell) is recorded to bee had in eternall infamie.

By parliament, one Sir Giles Mompesson, a moderne caterpiller, and poler of the commonwealth, by exacting upon inholders, &c. was discovered, degraded from knighthood, and banished by proclamation.

By parliament, Sir Francis Bacon, made by king James, Baron Verulam, and Viscount St Albans, and lord chancellor of England, very grievous to the commonwealth, by bribery, was discoverd and displaced.

By parliament, Sir John Bennit, judge of the prerogative court, pernicious to the commonwealth, in his place, was discovered and displaced.

By parliament, Lyonell Cranfield, (sometimes a merchant of London) made by K. James, Earle of Middlesex, and lord treasurer of England, hurtfull in his place to the commonwealth, was discovered and displaced.

By parliament, one Sir Francis Mitchell, a jolly justice of peace for Middlesex, in the suburbs of London, another notable canker-worme of the commonwealth, by corruption, in exacting the penall lawes upon poor ale-house-keepers and victuallers, &c. was discovered, degraded from knighthood, and utterly disabled for being justice of peace.

By parliament, Spaines late fraud was discovered, and by act the two treaties with that perfidious nation, for the match of the prince, our now gracious king, and restitution of the Palatinate, dissolved and annihilated; both which had cost the king and his subjects much monie and much blood. We may remember that that sage counceller of state, Sir William Cecill, Lord Burleigh, and lord treasurer of England, was oft times heard to say, "Hee knew not what an act of parliament might not doe;" which sage saying was approved by King James, and by his majestie alleaged in one of his published speeches.

Which being so, now the face of Christendome being at this present so torne and macerated, and the Christian world distracted; the gospell in all places almost persecuted, both church and commonwealth, where the gospell is professed in all places beyond the seas, laying a bleeding (as we may say) and we ourselves at home not without feare and danger. To conclude, what good may we not hope and pray for, by this present and other ensuing parliaments; the onely meanes to rectifie and remedy matters in church and commonwealth much amisse.

The Character.

Richard, son of the valiant and victorious Edward the Blacke Prince, was borne at Burdeaux, and grand-child to King Edward the Third, being 11. years old, began his reigne the 21. day of June, in the yeare of our Lord 1377, and was crowned king at Westminster the 16. of July. In beauty, bounty, and liberality, he farre passed all his progenitors; but was overmuch given to ease and quietnesse, little regarding military matters of armes; and being young, was most ruled by young counsell, regarding little the counsell of the sage and wise men of the realme, which thing turned this land to great trouble, and himselfe to extreame misery; for, being first disgraced by his cousin, Henry of Bullingbroke Duke of Hereford, son of John of Gaunt, Duke of Lancaster, he was at length by him (with the generall consent of the whole parliament,)

deposed from his crown and kingdome the 29. of September, 1399, and committed to prison, and afterwards wickedly murdered. For, being sent to Pomfret Castle, to be safely kept and princely maintained, he was shortly after, by King Henries direction and commandment (who feared lest his estate might be shaken whiles King Richard liv'd,) wickedly assaulted in his lodging by Sir Piers of Exton, and 8. other armed men, from one of which, with a princely courage, he wrested a brown bill, and therewith slew 4. of them, fought with all the rest, untill, comming by his owne chaire (in which the base cowardly knight himselfe stood for his owne safety,) he was by him stricken with a pole-axe, in the hinder part of his head, that presently hee fell downe and dyed, when he had raigned 22 years 14 weeks and 2 days.

More memorable Things done by Parliaments.

By parliament Richard Montague (since made bishop of Chichester, and now bishop of Norwich,) his pernicious booke entituled *Apollo Cæsarem*, (first confuted by Doctor Carlton, then B. of Chichester, and divers other reverend orthodox divines,) was displayed, and by proclamation, dated 1628, the booke was called in and prohibited; and he the said Montague was discovered to be a notable unorthodox man, &c.

By parliament, Roger Manwayring, D. of Divinity, and parson of St. Giles in the Fields, and the kings chaplaine, was discovered to be an unorthodox man, and brought on his knees to the bar of the honourable house of parliament, and the booke of his two seditious printed sermons against parliaments, entituled Religion and Allegeance, was by proclamation called in and prohibited; and he, the said Manwayring, was censured and deprived of his livings, not to come neere the court, nor to exercise or use any ministeriall office, &c. But notwithstanding, soone after the fatall dissolution of that parliament, 1629, he, the said Manwayring, by the power of a little great prelate, not onely restored to his former livings, but soone after he was preferred and made dean of Worcester, afterwards a bishop, and is now bishop of St Davids, the first bishoprick in Wales.

And in as much, as so many memorable things have bin done by parliaments, some whereof, in former times, have indeed done no lesse than write wonders: for reformation of corruptions, and grievances, and exemplary executions in the state and commonwealth; and seeing the other day, viz. 22. of February, there was that correspondence and happy agreement betwixt his sacred majesty and both the houses of parliament now sitting, which made the evening of that day crowned with bone-fires and bells-ringing for joy. Let us not cease to pray and beseech the Lord of Hosts, still so to unite the heart of the kings majesty to the parliament (his great counsell) that the upper and lower houses may unanimously agree, and be reciprocally united to the king, that many matters now much amisse in church and commonwealth may be reformed, and this yeare may be accounted *annus aureus*, and that this present parliament begun this yeare may be inscribed and engraven in marble and in letters of gold.

By parliament the Earle of Strafford, deputy of Ireland, grievous to the commonwealth, was discovered, and, after an honourable tryall, was attainted of high treason, for which he suffered death, May the twelfth, 1641.

SACRED TO MEMORY
POSTERITY THE (LONG EXPECTED.)
HAPPY PARLIAMENT,
Begun MDC. XL.
Ended and made a session.

Vivat Rex. *Floreat Regnum.* *Bene valeat Parliamentum.* Hallelujah.

Two Speeches made by Sir Thomas Wentworth, now Earl of Strafford, in the Parliament holden at Westminster, 1628. *The one concerning the Liberty of the Subject; the other the Privilege of the Houses of Parliament.*

The following class of Tracts relate to the history and tragical fate of Thomas, Earl of Strafford, renowned alike for his talents and for his misfortunes, and, in both respects, one of the most remarkable characters in English history.

The two speeches, which commence the series, were made while he was yet Sir Thomas Wentworth, and one of the keenest defenders of the people's liberties. They were delivered in that parliament, of 1627, in which the memorable Petition of Rights was passed, and comprehend most of the topics which then gave rise to general complaint. Wentworth opposed the court until these grievances were redressed; but immediately afterwards became as much distinguished for his defence of the royal prerogative, as untill then for asserting the rights of the people.

Sir Thomas Wentworth's Speech, 22d Martii, 1627.

May this day's resolution be as happy, as I conceive the proposition (which now moves me to rise) is seasonable and necessary; for whether we shall look upon the king or the people, it did never more behove this great physician, the parliament, to effect a true consent towards the parties than now. The debate carries with it a double aspect towards the sovereign, towards the subject, though both innocent, both injured, both to be cured.

In the representation of injuries, I shall crave your attention in the cures; I shall beseech your equal cares and better judgments (surely in the greatest humility I speake it) these illegal ways are marks and punishments of indignation.

The raising of levies strengthened by commission, with unheard of instructions, the billetting of soldiers, by lieutenants, without leave, have been, as if they could have persuaded Christian princes (nay worlds) the right of empire had been to take away by strong hand; and they have endeavoured, as far as was possible for them, to do it.

This hath not been done by the king (under the pleasant shade of whose crown I hope we shall ever gather the fruits of justice) but by projectors: they have extended the prerogative of the king beyond the just center, which was the sweet harmony of the whole.

They have rent from us the light of our eyes, enforced a company of guests worse than the ordinaries of France, vitiated our wives and daughters, before our faces, brought the crown to greater want than ever it was, by anticipating the revenue; and can the shepherd be thus smitten, and the flock not scattered?

They have introduced a privy council, ravishing at once the spheres of all ancient government, imprisoning us without bail or bond. They have taken from us what shall I say (indeed what have they left us) all means of supplying the king and ingratiating ourselves with him, taking up the roots of all propriety, which, if it be not seasonably set in the ground by his majesty's hand, we shall have, instead of beauty, baldness.

To the making of them whole I shall apply myself; and propound a remedy to all

these diseases; by one and the same thing hath the king and the people been hurt; and by the same must be cured; to vindicate what? New things? No; our ancient, sober, and vital liberties, by reinforcing of the ancient laws made by our ancestors, by setting such a character upon them, as no licentious spirit shall dare hereafter to enter upon them. And shall we think this a way to break a parliament? No; oure desires are modest and just; I speak truely both for the interest of the king and the people. If we enjoy not those, it will be impossible to relieve him: Therefore let us never fear, that they shall not be accepted by his goodness.

Wherefore I shall descend to my motions, which consists of four parts, two of which have relation to the persons, two to the propriety of goods, for the persons the freedom of them from imprisoning.

Secondly, From employments abroad, contrary to the antient customs, for our goods, that no levies may be made but in parliament. Secondly, No billetting of soldiers: It is most necessary, that these be resolved, that the subjects may be secured in both.

Then for the manner, in the second place, it will be fit to determine it by a grand committee.

Sir Thomas Wentworth's Speech, 21st April, 1628.

Right wise, right worthy,

Too many instigations importune the sequel of my words: First, the equity of your proceedings: Secondly, the honesty of my request, for I behold in all your intendments a singularity grounded upon discretion and goodness, and your consultations steered as well by charity as extremity of justice.

This order and method I say of your proceedings, together with the importunity offered of the subject in hand, have emboldened me to solicit an extension of the late granted protections in general. The lawfulnes and honesty of the propositions depends upon these two particulars:

I. The present troubles of the parties protected, having run themselves into further and almost irrecoverable hazards, by presuming upon and feeding themselves with the hopes of a long continuing parliament.

II. Let the second be this consequence: That that which is prejudicial to most ought to minister matter of advantage to the rest: Sith then our interpellations and disturbances amongst ourselves are displeasing almost to all, if any benefit may be collected, let it fall upon those, for I think the breach of our session can befriend none but such, nor such neither, but by means of the grant beforehand. And because it is probable, that his majesty may cause a remitting this next Michaelmas, let thither also reach their prescribed time for liberty. And that till then their protections shall remain in as full vertue and authority, as if the parliament were actually sitting.

Lord Viscount Wentworth to the Earl of Doncaster.

The subject of this letter is explained by the following information in the Star-chamber, against Sir David Fowlis, Sir Thomas Layton, and Henry Fowlis, Esq for opposing the levying money by way of fines or compositions, for not attending the coronation, to take the order of knighthood, and the proceedings thereupon; which is extracted from Rushworth, vol. II. p. 88.

"In the month of February, in Hilary term, upon an information in the Starchamber, against Sir David Fowlis, Sir Thomas Layton, and Henry Fowlis, Esq. defendants, the cause came to hearing. The information being opened to the court, was to this effect:

"That, whereas several commissions had issued out of his majesties court of exchequer, in the 6th, 7th, and 8th year of his majesty's reign, directed to the Lord Viscount Wentworth, and to divers other lords, knights, and gentlemen of the best and principal rank and quality, in those northern parts, who were thereby authoris'd, for the more ease of the country, to treat, commune, and compound with all and singular his highness's subjects of the city and county of York, and other northern counties therein particularly expressed, as would make fine with his majesty for their contempts in not attending his majesties coronation, to have taken the order of knighthood, as they ought to have done; and the said Lord Viscount Wentworth was by express letters from his majesty in that behalf specially appointed to be collector; and albeit the said Sir David Fowlis had received many gracious favours, both in honour and in profit, as well from King James, as his now majesty, which might justly have incited and stirred him up to all dutiful and grateful thankfulness for the same; nevertheless the said Sir David Fowlis most undutifully and ingratefully did not regard the same, but harboured some secret discontentment and ill affection in his heart; for when, as the said Lord Viscount Wentworth and other his majesties commissioners, carefully and dutifully intended the execution of his highness's said commissions, and had by vertue thereof summoned and given notice to Ralph Ewre, James Penniman, Esquires, and sundry others dwelling and inhabiting near unto the said Sir David Fowlis, to attend the said commissioners at the said city of York, for their compounding for their said fines of knighthood; the said Sir David Fowlis most undutifully endeavoured and practised what he possibly could, to oppose his majesties service therein, and disswade and divert persons from compounding with the said commissioners, and many times publickly declar'd his dislike and disaffection of and to the said service, which was generally observed and noted throughout the country where he dwelt; which was by him so spoken of intent and purpose to cause men to forbear and refrain compounding, or resorting to the said commissioners, to make any composition for their aforesaid contempts; and thereby animated and encouraged sundry persons to stand out and refuse to make any composition at all, who otherwise would have compounded with the said commissioners for their said fines of contempt, in not attending at his majesties coronation to take the order of knighthood, as aforesaid. And in further prosecution of his ill affection, and to shew his dislike of the said service, and the more fully to express and manifest himself and his desire for the hinderance thereof, he, the said Sir David Fowlis, at a publick meeting, at the house of the said Sir Thomas Layton, in the beginning of the month of July, 1632, did, in divers of his conferences with the gentlemen concerning the compounding with the said lord viscount, and the other commissioners for their fines and contempts of knighthood, publickly affirm and say, 'That Yorkshire gentlemen had been in time past accounted and held stout-spirited men, and would have stood for their rights and liberties, and were wont to be the worthiest of all other shires in the kingdom. And that in former times all other shires did depend and would direct all their great actions by that county; and that other counties, for the most part, followed and imitated Yorkshire: but now in these days Yorkshiremen were become degenerate, more dastardly, and more cowardly than men of other counties, wanting their wonted courage and spirit which they formerly used to have.' Which said words and speeches the said Sir David Fowlis, then used and uttered purposely, to disswade and discourage persons from compounding for the said contempts and fines for the knighthood, as aforesaid. And the more to encourage those that stood out and refused to compound, the said Sir Da-

vid Fowlis, at the same time and place, extolled and highly commended one James Maleverer, Esq. for denying and refusing to compound with the said commissioners for his fines of knighthood, and said, 'That the said James Maleverer was the wisest and worthiest man in the county, and that he was a brave spirit, and a true Yorkshire-man; and that none durst shew himself stoutly for the good of the country, but the said Mr Maleverer, and was to be honoured therefore;' and did very much commend him, both there and at other places for not compounding. And the said Sir David Fowlis being then told, it might perhaps prove more chargeable to the said Mr Maleverer, for his wilfull standing out in that manner; the said Sir David replied, That the said Mr Maleverer had put in his plea thereunto, and would easily procure his dicharge, both of fines and issues. And in truth he had pleaded in his majesties exchequer an insufficient plea, and after such time as he had paid 156l. for issues, at last he compounded for his contempt. And farther to discourage and hinder men from compounding, the said Sir David Fowlis then also alledged, that in other counties and shires they had not advanced their fines of knighthood so high as was done by the commissioners of Yorkshire, saying, that there were many in Buckinghamshire and Oxfordshire who did utterly refuse to compound; and thereupon shewed forth a list or paper of the names of sundry persons of those two counties, that so refused to compound. And the said Sir David Fowlis, taking notice of Mr Ewre's and Mr Pennyman's compounding with the commissioners, blamed and reprov'd them for so doing, saying, that they had, by compounding, done themselves some wrong, and that the country heareafter would be much troubled with such compositions. And the said Sir David Fowlis farther, to beget and draw a general disobedience in the hearts of his highness's people, and to cause them to deny and refuse to compound for their knighthood-fines with the said commissioners, and to draw a scandal upon the said Lord Viscount Wentworth, and to bring him into disteem in the hearts and minds of the gentlemen of that country, publickly said and pretended, 'That the people of Yorkshire did adore him, the said Lord Viscount Wentworth, and were so timorous and fearful to offend his lordship, that they would undergo any charge, rather than displease him; and that his lordship was mush respected in Yorkshire, but at court he was no more respected than an ordinary man; and that, as soon as his back was turn'd for Ireland, his place of presidentship of the council would be bestowed on another man.' And the said Sir David Fowlis, and the defendant Henry Fowlis, did, about the beginning of July 1632, and at other times, publickly, in the hearing of sundry knights and gentlemen, to the end to hinder his majesties service, and to render the said Lord Viscount Wentworth odious to the inhabitants of Yorkshire, and the places and countries where he was employed as a commissioner, most falsly and untruly scandalize and wrong the said Lord Viscount Wentworth, to have received much money of the country for knighthood-fines, by virtue of the aforesaid commission; and that his lordship had not paid the same, either to his majesty, or the exchequer. The contrary whereof did plainly, clearly, and evidently appear, by the several tallies and constats which were produced and shewed in open court, testifying that the Lord Viscount Wentworth had, a year before the speaking of these words by the said Sir David and his son, paid unto his majesty's receipts for knighthood-fines, the sum of 24,500l. besides other assignments by his lordship dispersed about the said service, amounting to about 700l of his own money, and more than he had at that time received from his majesty. And the said Sir David Fowlis and Henry Fowlis most falsly and malitiously, not only to the scandal of his majesty and his justice, but chiefly to wrong and slander the said Lord Viscount Wentworth, reported, gave out, and affirmed, in the presence of divers knights, gentlemen, and others, that when the said Lord Viscount Wentworth was gone into Ireland, all such as had paid their fines to his lordship, although they had his lordship's acquittance for the same, yet they would and should be forced to pay the same over again to his majesties use. And the defendant Thomas Layton caused his officer and bailiff to levy about 39l. issues upon the goods of one Mr Wivel, who formerly compounded and paid his fine for knighthood, and had his lordship's acquittance for the same; and that complaint had been made to the council at York, in the absence of the said Lord President, that the said Sir Thomas Layton's officers and bailiffs had, by his privity exacted and taken 40s. worth of the said Wivel's tenants goods, by coulour of the said levy, for so levying of the said issues, whereby the said council conceived, that the same would much crosse and oppose his majesties service, and the exaction was meet to be punished; and therefore did award and send the king's letter to the said Sir Thomas Layton, (being then high sheriff for the county of York,) for to appear and answer an information exhibited against him, and his servants, for such their supposed exactions in that behalf, as was lawful for the said council to do; and caused the said Sir

Thomas Layton to be served therewith, who immediately shewed it to the said Sir David Fowlis; then the said Sir David Fowlis thereon took upon him, in a great presence and assembly of divers knights and gentlemen of the county (himself being then one of his majesty's sworn council in the said northern parts, one of the deputy-lieutenants there, and a justice of peace in the North-Riding, where he then dwelt,) to advise and dissuade Sir Thomas Layton to yield obedience to his majesty's letter, which this court held to be a great contempt and offence; for that he said, that he held it not fit, that the said Sir Thomas Layton, being high sheriff, should appear and answer the said letter, befor he had acquainted his majesty first therewith, and known the king's pleasure. The said Sir David saying farther, (in scorn and contempt of the said court and council, whereof himself was a member, and by his oath bound to maintain and uphold the rights and liberties thereof to his uttermost,) 'That the said court was a paper court, and the said lord president and council had done more than they could justifie, by sending for the said high sheriff; and that, if he were in the sheriff's case, he would not care a dog's turd for them.' And the more to draw the council into disesteem and disrespect in those parts, he, the said Sir David, then also said, That the said council had nothing to do with a justice of peace; speaking withall comparatively, that the office of a justice was above the council at York; the one (meaning a justice of peace) was by act of parliament, the other (meaning the court at York) was made but by commission. And also, the said Sir David being reproved by some gentlemen there present, who much disliked his discourse, yet he answer'd, he car'd not who heard it, nor if it were proclaim'd at the cross.

" To this information Sir David Fowlis made this answer: 'That he hath been so far from opposing the commission concerning knighthood, as that he hath, according to his power, advanced the said service; and that he did perswade James Maleverer, and others, to submit to the commissioners, and to compound to their fines. That he did perswade Sir Thomas Layton to appear before the Lord Wentworth and the council, upon the king's letter, and denieth the words charged upon him. He confesseth he did say, that he knew not how his majesty would take it, to have a high sheriff committed and disgraced for executing his majesties writ; and confesseth, that it appears, by the information, that Mr Wivel had made his composition for knighthood, and that he receiv'd his acquittance; nevertheless, process was awarded out of the exchequer for levying issues, amounting to 30l. or thereabout, whereupon this defendant did say, that if the Lord Wentworth had paid in all the monies he had received, he might have done well to have taken order, that those who had paid the money to him should be free from any trouble, and not be compell'd to make double payment.'

" Henry Fowlis pleaded not guilty.

" Sir Thomas Layton for himself saith, 'That a letter was served upon him from the lord president and council, he being then high sheriff of the county, doing matters in the execution of his office; and that, before he was in any contempt, he was within three days arrested by the pursuivant attending the court, and by him carried prisoner from his own house to the said council, about thirty miles, and there remained in the custody of the said messenger till he had answered an information there preferred against him, and interrogatories concerning the selfsame matter now charged upon him; and, before he was discharged, paid the said Wivel the money levyed by vertue of the process, and also paid 40s. more, which (as was pretended) Appleby, the bailiff, extracted from the said Wivel.

" During all which time of this defendants restraint, he was high sheriff of the county of York, of all which he desireth a consideration might be had; albeit he might justly plead the dependence of the suit at York, yet he doth waive the same; and doth deny, that, if the said 40s were exacted by the said bailiff, over and above the 39l. levied upon Mr Wivel, that the same or any part thereof came to this defendant.'

" And it plainly appeared to this honourable court, by good and sufficient testimony then openly read, that all the particulars before mentioned, wherewith Sir David Fowlis stood charged by the information, were fully proved against him; whereupon the court, upon grave and deliberate consideration of all the aforesaid premisses, declared, That the said Sir David had made ways, endeavoured, and sought to oppose his majesty's service, and had withall, greatly and highly thereby scandalized his majesty, who had done him so many gracious favours, and affronted his service, and had unjustly traduced his majesty's commissioners, and great officers of state, and shewed exceeding malice to the lord deputy; and the said Sir David speaking these words charged upon him, to deter his majesty's subjects from making payment of their fines to his majesties receiver, for knighthood money; and that the court, duly weighing and considering the hainousness of the said defendant's offence therein, and declaring the same worthy of severe and extraordinary punishment, ordered,

'That the said Sir David Fowlis, being a principal offender, shall stand and be committed to the Fleet, there to remain during his majesties pleasure; and that he shall pay a fine of 5000l. to his majesties use; and shall also publickly acknowledge his great and several offences, both to his majesty and the said Lord Viscount Wentworth, not only in this court, but in the court of York, and likewise at the open assizes in the same county, where this decree shall be publickly read. And farther, that the said Sir David Fowlis is a person altogether unworthy of the places he holds, as one of the council of York, deputy lieutenant, and justice of peace, who hath breathed out so much faction and disobedience; and for that he sought and endeavoured to draw disesteem and scandal upon that court, whereof he himself was a member, and upon the principal officer and member of the said court, the Lord Wentworth, a noble person of singular worth and merit, and worthily employed in a matter of greatest trust and importance. The court hath therefore ordered and adjudged, that the said Sir David Fowlis shall, from henceforth, be held, and made incapable to have, or execute, any of the said places, and that he shall pay good damage to the said Lord Wentworth, relator in this court, whom this court highly commended for vindicating his majesty's honour in such a service of so undoubted right, justly appertaining to the crown, and which hath been heretofore taken by many kings, his majesties predecessors, constantly and successively: their lordships generally condemned the said Sir David therefore, and for the base and scandalous report, that he so published against the said Lord Wentworth, ordered and decreed, that the said Sir David should pay 3000l to the said Lord Wentworth.

" And touching the defendant Henry Fowlis, the court likewise thought him worthy of censure, and ordered and decreed, that he should stand committed to the Fleet, and pay 500l. fine to his majesties use.

" And forasmuch as the council urg'd no proof against Sir Thomas Layton, they dismissed him from any farther attendance."—RUSHWORTH, vol. II. p. 215. 220.

We must not omit to mention, that Sir David Fowlis was produced as a witness upon Lord Strafford's trial, to his lordship's having used the memorable words, in an assembly of the nobility and gentry at York: " Some are all for law, but they shall find the king's little finger heavier on them than the loins of the law." Strafford excepted against the witness, as his personal enemy, lying under sentence of the Star Chamber, at his suit, for speeches used against him. But the lords received Sir David's testimony, which was given, no doubt, under some feeling of the oppression he had himself sustained.

My very good Lord,

As for many your other favours, soe am I infinitely much bounde unto you for the honoure of your lines, soe multiplied, and with soe highe a hand, as I have with one hold receaved three of them from you, thus distant, and thus little able to serve you, answearable to their meritt.

I must ever acknowledge, with all possible comfort, his majestyes goodnesse towards me in this matter betwixt Sir David Fowlis and me, and humbly thanke your lordship for the particular and authentike relation I have thereof from you; which well weighing with my self, I have been bold to write the inclosed to his majestye, which will be much graced, if you be pleased to present it with my humble service to his majesty.

Nor should I have troubled your lordship hearin, but that you are pleased to take sum small notice of the man; therefore I beseech your lordship, let me detain you a while with a short accompte of this business, and especially what hath paste heare since the gentleman's cumming from London.

Sir David Fowlis, a person raysed by the favour and bounty of the crowne to a faire and plentifull fortune,[1] and one I had upon all occasions given the best respect unto I

[1] Sir David Fowlis was a Scotchman, third son of James Fowlis, of Colington, in Mid-Lothian. A considerable part of the private correspondence between James and the English court, during the last years of Elizabeth, passed through his hands. He accompanied James I. into England, and was created a baronet in 1619. He also obtained a grant of the lands of Inglisby, in Yorkshire.

could, as promising myself helpe and assistance from him in his majesties service; it seemed to me marvelouse strange, to heare how ill and mutinously affected he was to his majesties rights and government, soe as taking the reporte either to be mistaken, or to be grounded upon sum personall mallice, I gave noe greate beleefe or regarde therunto, untill this late rioute of his brake forth with such violence and virulence, as might not with my duty be longer silenced. The particulares would growe tediouse, but, in the worde of truth, I take them to be as highly criminall, being only civill, as may be, nor shall I need to say more for the present, saving, that he was as insolent after he understoode the whole matter was knowen unto me, as maliciouse and malevolent before; albeit, I confesse you have sent him me downe humbled with a witnesse, a thing ordinary indeed with those meane natures to becum as low under the cudgill, as petulent where they find themselves upon the advantadge grounde.

The manner of his appearing and entertainment heare was thus: the counsell and myself sett upon the commission for recusantts, my secretary cam to me and tells me Sir Davide Fowlis was without, desirouse to speake with me, which in good faithe at first I could not beleeve, but being confermed it was soe, I sent to knowe wheather it was any thing concerning his majesties service, or only concerning myself; if the former, I was ready to speake with him, if the latter, I desired to be excused. His answeare was, it was both. So I caused him to be brought inn, and being called to the borde, we saluted him, and desired him to sitt doune at the borde, as being one of the kings counsell; he cam up to me wheare I sat, and gave me a very low salute; I told him the borde was the kings, that he was very wellcum, and might sett doune.

Sir William Ellis letting him knowe we understood he had sumthing to acquaint us concerning the kings service, wished him to relate what he had to say.

Sir Davide then professed he had nothing of that nature to impartte unto us, and that he only cam to speak to me in sum things touching our own privats

Then I told him I was gladde when I hearde he had any thing to offer for the service of our maister, as that which he had never seemed to looke after since I had the honoure to serve in this place; albeit, I had expected and promised myself as much from him in that nature as from any other; but seeing that it now all terminated in particulares of our owne, the king's borde was noe fitt place for those discourses: Therefore I desired him to excuse me, the matters betwixt him and me being of such a condition as should not be hearde betwixt us privately in a chamber, but must passefie the file of his majesty's court of justice, and soe risse, went my way and left them.

This I have been more induced to relate precisely to your lordshippe, in regarde the condition of the man is to mistake others as much as himself, and to speak with that confidence as if he himself beleeved he spake the truthe, and that whatever the report be he shall make, that this is squarely and really the truth.

My lord, you best knowe how much the regall power is becummed infirme by the easy way such have founde who, with roughe hands, have laid holde upon the flowers of itt, and with unequall and staggering paces, have trampled upon the rights of the crowne, and how necessary examples are, (as well for the subject as the soveraigne), to retaine licentiouse spirits within the sober bounds of humility and feare. And surely if in any other, then in the case of this man, who hath the most wantonly, the most disdainfully demeaned himself towards his majesty and his ministers that is possible, soe as if he doe not taste of the rodde, itt will be impossible to have his majesties counsel heare to be obeyed; and should I say lesse, we are but to betray the trust my maister hath honoured me with. I heare he cries out of oppression, soe did my Lord Faconberge too, your lordship hearde with what reason or truth; believe me, this man hath more witt, but his cause is so much worse, as he hath notwithstanding lesse to say for himself. In this,

neverthelesse, they are tied by the tails together, that both of them dared to strike the crowne upon my shoulders, without being at all concerned in my owne interest, or having any other parte to play then such as innocense and patience shall suggest unto me. And truly, give me leave to assure your lordship, I have much reason to carry my eyes along with me whear I goe, and to expect my actions, from the highest to the lowest, shall all be cast into the balance, and tried wheather heavye or lighte. Content in the name of God, let them take me up and cast me downe, if I doe not fall square, and (to use a word of arte) paragon. in every pointe of my duty to my maister; nay, if I doe not fully complie with that publick and common protection, which good kings afforde ther good people, let me perishe, let noe man pitty me. In the meanetime, none of these clamours or other apprehensions shall shake me, or cause me to decline my maisters honour and service, thereby to please or soothe ther populare frantike humoures; and if I miscarry this way, I shall not even then be founde either so indulgent to myself, or so narrowly hearted towards my maister, as to thinke myself too good to die for him *El deve bastar.*

I confess indeed, Sir Davide shewed himself a wise man in applying himself to your lordship as a mediator for him with me, being a noble friende, who I am ambitiouse the world should see hath power as great and absolute, as with any other servant you have; and myself, as little will to denie any thing you shall move me unto as is possible; and therefore am I much bounde to your tender respect, that are pleased only to mention a reconciliation, rather as a relation of what he would have, then as an invention of your owne, for which I humbly thanke you; for, in truth, you had then put me to a great strait, betwixt my will to obey you, and my care of the king's service and this governmentt, which I expectt to finde now, in the time of my absence, much shaken, or much confermed by the hande men shall observe to be held with this gentleman in the prosecution of this cause, which I purpose to begin with him in that courtt, itt seems (and with good reason), he most feares, having three weekes since taken a suppena forth against him. Only this I will protest to your lordship, in the wordes of truthe, I have been hethertoo knowen to this gentleman only by curtesyes: that I bear noe malice to his person, or at all consider my own interests in his proceeding, (which in truth are none at all) but simply the honoure and service of his majestie, and the seasonable correcting an humoure and libertye I find raigne in thes partts, of observing a superiour commande noe farther than they like themselves, and of questioning any profitt of the crowne, called upon by his majesty's ministers, which might inable itt to subsiste of itself, without being necessitated to accepte of such conditions, as others might vainly thinke to impose upon it. 'Tis true, this way is displeasing for the present, layes me open to calumnye and hatred, causeth me, by sum ill disposed people, to be it may be ill reported; whereas the contrary would make me pass smothe, and still long without noyse: but I have not soe learnte my maister, nor am I soe indulgent to my owne ease, as to see his affaires suffer shipwracke whilst I myself rest secure in harboure; noe, lett the tempest be never so great, I will much rather putt forth to sea, work forth the storms, or at least be founde deade with the rudder in my handes. And all that I shall desire is, that his majesty and my other friends should narrowly observe me, and see if ever I question any man in my owne interests but, whear they are only interlaced as accessory to his majesty's service, and the just aspectte towards the publick and duty of my place, sett before them as principalls.

But alas, my lord, I weary you extremely, which you will please to pardon, being entered a discourse upon a subjette, which I attend next the saving of a soule more than all the world besides, and should I lesse take it to heartte, I wear, of all others, the most unthaukfull wretche to so graciouse a maister. Craving then your pardon for detaining

you thus long, I will redeem my faulte with as much speed as I may, I giving you this unfained testimony and asseurance of my being,

Your lordship's

York, 24 Septemb. 1632.

Most humble, and

Most faithful fervant,

WENTWORTH.

My Lord Lieutenant of Ireland his Speech to his Majesty upon his Creation.

This speech is printed from an ancient MS. copy, in a volume belonging to the editor, which contains many rare tracts, both printed and MS. relating to Strafford and to Laud.

It is well known, and has been already noticed, that Wentworth, after distinguishing himself as a patriot, adopted the cause of the royal prerogative, either because, as he himself professed, he was satisfied with the concessions made by the crown, in the petition of rights; or, as his enemies insinuated, because he became the dupe of his private ambition. Honours flowed faster upon him than even upon the favourite Duke of Buckingham. He was created a baron, viscount, and earl, in a very short revolution of time, and invested with the important offices of privy counsellor, lord president of the council of the north, and finally, lord lieutenant of Ireland, in 1631-2. His character is described by Sir Philip Warwick with a liveliness worthy of Clarendon.

"The lord viscount Wentworth, lord president of the north, whom the Lord Treasurer Portland had brought into his majestie's affairs, from his ability and activity, had wrought himselfe much into his majesty's confidence; and, about the year 1632, was appointed by the king to be lord deputy of Ireland, where the state of affairs was in no very good posture, the revenue of the crown not defraying the standing army there, nor the ordinary expences; and the deportment of the Romanists being there also very insolent, and the Scots plantations in the northern parts of that realm looking upon themselves as if they had been a distinct body. So as here was subject matter enough for this great man to work on; and, considering his hardiness, it may well be supposed, that the difficulties of his employment, being means to shew his abilities, were gratefull to him; for he was every way qualified for business; his naturall faculties being very strong and pregnant, his understanding, aided by a good phansy, made him quick in discerning the nature of any business; and, through a cold brain, he became deliberate and of a sound judgment. His memory was great, and he made it greater by confiding in it. His elocution was very fluent, and it was a great part of his talent readily to reply, and freely to harangue upon any subject. And all this was lodged in a sowre and haughty temper; so as it may probably be believed, he expected to have more observance paid to him than he was willing to pay to others, though they were of his own quality; and then he was not like to conciliate the good will of men of the lesser station.

"His acquired parts, both in university and inns of court learning, as likewise his foreign travells, made him an eminent man, before he was a conspicuous; so as, when he came to shew himself first in publick affairs, which was in the house of commons, he was soon a bell-weather in that flock. As he had these parts, he knew how to set a price on them, if not to overvalue them; and he too soon discovered a roughnes in his nature, which a man no more obliged by him, than I was, would have called an injustice; though many of his confidents, (who were my good friends, when I, like a little worm, being trod on, would turn and laugh, and under that disguise would say as piquant words, as my little wit would help me with) were wont to swear to me that he endeavoured to be just to all, but was resolved to be gracious to none, but to

those whom he thought inwardly affected him: which never bowed me, till his broken fortune, and, as I thought, very unjustifiable prosecution, made me one of the fifty-six, who gave a negative to that fatal bill, which cut the thread of his life.

" He gave an early specimen of the roughnes of his nature, when, in the eager pursuit of the house of commons, against the Duke of Buckingham, he advised or gave a counsel against another, which was afterwards taken up and pursued against himselfe. Thus pressing upon another man's ease, he awakened his own fate. For when that house was in consultation how to frame the particular charge against that great duke, he advised to make a generall one, and to accuse him of treason, and to let him afterwards get off as well as he could, which befell himselfe at last. I believe he should make no irrational conjecture, who determined, that his very eminent parts to support a crown, and his very rugged nature to contest disloyalty, or withstand change of government, made his enemies implacable to him. It was a great infirmity in him, that he seemed to overlook so many as he did; since, every where, much more in court, the numerous or lesser sort of attendants can obstruct, create jealousies, spread ill reports, and do harm; for, as its impossible that any power or deportment should satisfy all persons; so there a little friendlines and opennes of carriage begets hope and lessens envy.

" In his person he was of a tall stature, but stooped much in the neck. His countenance was cloudy, whilst he moved, or sat thinking; but when he spake, either seriously or facetiously, he had a lightsom and a very pleasant ayre: and indeed whatever he then did, he performed very gracefully The greatness of the envy that attended him made many in their prognosticks to bode him an ill end; and there went current a story of the dream of his father, who being, both by his wife, nighest friends, and physicians, thought to be at the point of his death, fell suddenly into so profound a sleep, and lay quietly so long, that his wife, uncertain of his condition, drew nigh his bed, to observe whether she could hear him breathe, and gently touching him, he awaked with great disturbance, and told her the reason was, she had interrupted him in a dream, which most passionately he desired to know the end of. 'For,' said he, 'I dream'd that I should have a son, (for till then he had none) who should be a very great and eminent man: but—And in this instant thou didst awake me, whereby I am bereaved of the knowledge of the farther fortune of the child.' This I heard when this lord was but in the ascent of his greatness, and long before his fall: and afterwards, conferring with some of his nighest relations, I found the tradition was not disowned. Sure I am, that his station was like those turfs of earth or sea banks, which by the storm swept away, left all the inland to be drown'd by popular tumult.

" At his coming into Ireland he disposed all his business into so good a method and order, and kept up so the state of that court, that it was a good resemblance of his master's, which at this time was the most regular and splendid court in Christendom (set aside the king of France his military and numerous guards;) and he so setled all the benches of justice, that, by able and upright judges, the decrees and dispatches there were very just and expeditious; yet he was too apt to draw some particular business out of their proper channel unto his own jurisdiction; the instances whereof, as they are to be found in the articles of his charge; so, by his answers thereunto, it will appear, that his determinations upon those cases were not so much his fault, as his haughtines to amplifie his own authority. He brought the army unto its just number; and, as he was very careful of its pay, so he was very exact about their discipline; which quelled the stubbornness of the natives, and quasht their hopes of innovating in state, or spreading of their religion. For, from a forward insolence, he soon reduced them to a modest and private exercise of their Romish profession: for the deputy was a sound protestant himselfe, and endeavoured to regulate the Irish church unto the English, and by the learning and piety of the good archbishop of Armagh, and the solidity of his two confidents, Dr Bramhall, bishop of Londonderry, and Dr Margetson, with the other learned bishops and divines there, he brought that church into a great and good state; and his influence was so extensive, that that great and considerable body of Scots, which inhabit about Ulster, and are, as it were, a self subsisting corporation, and totally Presbyterians, carried a greater awe to the government than in sometime before they had done.

" Trade he enlarged very much, which brought both industry and wealth to the nation, and as he managed it, a good increase of revenue unto the king's exchequer: which, through many revived rights and well-weighed particulars, he so increased, that the revenue of the nation defrayed the whole charge of it, and he was enabled to remit a considerable summe of money, about 20 or 30,000l. over hither, which for many years had been a charge unto this kingdom. He sett up severall beneficiall manufacturies, especially those of yarne and flax: which designe

if he had had lime to have gone on in, he certainly would have brought to good effects. And, as he was very carefull, by all ingenious and politick means, to profit the nation, he govern'd it so like a good Englishman, that he endeavoured to make that correspond with the advantages of England, and to keep the dependencies of that crown on this. In doing all this, and in vindicating the rights and revenues of the crown, it was unavoydable but he must displease some great men, as the Earl of Corke, who, from a very private gentleman, (having early and long bin in that kingdom) had raised the most considerable estate of any great man, native or foreigner, there; Viscount Ranelagh, and Annesly Lord Mountnorris, vice-treasurer, (which, in that kingdom, in effect is treasurer;) and, if over these the lord deputy made some inspection, it was no marvell he had so little of their good, and so much of their ill will, as they afterwards in his troubles shewed.

" Unavoidable it is, but that great men give great discontents to some, and the lofty humour of this great man (whose foible it was to be too often embroyled in those ungratefull and intangling disputes, which the Latines call *simultates*, bickerings or animosities, which lie cold and heavy in the stomack, and break forth onely when one party hath the advantage over the other,) engaged him too often, and against too many in that kind. And particularly one with the old chancellor Loftus, which was sullyed by an amour, as was supposed, betwixt him and his daughter-in-law. But with these vertues and infirmities wee will leave him ruling prosperiously in Ireland, untill his own ambition or presumption brought him over into England, in the year 1638, to take up a lost game, wherein he lost himself."—*Sir* PHILIP WARWICK'S *Memoirs of the Reign of King Charles I.* Lond, 1702. p. 109. 117.

IT is acknowledged with reverence and truth, that kings on the throne are sacred pictures of Divine Majestie; but no where more expressive than when excellent princes, are delighted in themselves, and magnified by others, rather through their favours then corrections; nor doth soveraignitie at any time more eminently distinguish and exalt itselfe, then when wee find power and will in contention, or rather in consent for doing of good more effectually, and in larger measure, than cann consist with the condition of a subject to accomplish.

This method kept by great and magnanimous princes, hath bequeathed them famous and glorious to posterities; and amongst these your majestie hath the prehieminence; for such is the ease, the propensnes, and, as I may say, the tranquillity in your goodness, that what in them weere habbittes, acquired by long observation and practise, seemes to bee coessential with your nature.

Nor shall I need an evidence of this truth out of myselfe; a gratefull mention of progresse of your multiplyed favours towards mee, your humblest servant, will sufficiently and clearly evince it. Your majestie, of your meere and free grace, made mee a baron, when you scarce had heard of mee. and that too rather by ill reports then good. Not many yeares after you weere pleased to prevent any pretence of meritt in mee, indeed to exceed my thoughts, through a gratious promise to make me a viscount and president of your councell in the north, which you really performed within a fewe monethes after. Successively to these you did mee the honor to call me to your councell-board, a deputie I was of your owne cheyre, and am now created an earle.

Those, sir, in themselves are exceeding great and lasting honors, yet unto mee no relation so well pleasing, as when I consider myselfe by these degrees, heere upon my knees, humbly at your feet, to attend the honor of your commaunds, and to bee instructed by your wisdome.

I doe most humbly beseech your majestie to vouchsafe the continuance of these deare pledges unto mee, and that I may from your instructions still borrow light, how to guide and direct myselfe in the future course of my service, to that which may be of most advantage to your affaires, and best accepted with yourselfe, as a person utterly resolved to consider nothing of this world either before or after your majestie.

A true Copie of the Sentence of Warre pronounced against Sir Francis Annesley, Knight, and Baron Mountnorris, in the Realme of Ireland, in the Castle Chamber at Dublin in Ireland, the 12. of December 1635. *Together with his Lordships Petition against Thomas Earle of Strafford, exhibited into the Honourable Assembly of the Commons House of the Parliament the seventh of November,* 1640.

London, Printed for J. B. 1641.

Of Strafford's violent proceedings against the Lord Mountnorris, while lord deputy of Ireland, no historian has attempted any defence. The offence amounted at most to a hasty and indiscreet expression, reported, it would seem, in breach of convivial, if not of friendly confidence. The language so used and so reputed, was screwed and tortured into mutiny and sedition, and a court martial was found sufficiently at Strafford's devotion to pass sentence of death upon Mountnorris. It was indeed urged by Strafford, in defence or mitigation, that he never intended that the sentence should be executed, and that he had instantly acquainted the criminal, he would rather part with his right hand, than suffer the sentence to be executed, so far as his life was concerned. But Mountnorris was imprisoned, deprived of his office and command of his company of foot, and kept in dreadful uncertainty as to the farther extent of the deputy's severity The following affecting letter, preserved in Clarendon's State Papers, vol. I. will shew how prosperity had hardened a heart, which in adversity shewed so noble a temper.

A copy of the Lady Mountnorris's letter to the Earl of Strafford, when her husband was in prison, under the sentence of death, by martial law; and he was so hard-hearted as to give her no relief."

My Lord,

beseech your lordship, for the tender mercy of God, take off your heavy hand from my dear lord, and, for her sake, who is with God,[1] be pleased not to make me and my poor infants miserable, as we must of necessity be by the hurt you do to him. God knows, my lord, I am a distressed poor woman, and know not what to say more, than to beg upon my knees, with my homely prayers and tears, that it will please the Almighty to incline your lordship's heart to mildness towards him: for, if your lordship continue my lord in restraint, and lay disgraces upon him, I have too much cause to fear your lordship will bring a speedy end to his life and troubles, and make me and all mine for ever miserable. Good my lord pardon these woeful lines of a disconsolate creature; and be pleased, for Christ Jesus's sake, to take this my humble suit into your favourable consideration, and to have mercy upon me and mine; and God will, I hope, reward it into the bosom of you, and your sweet children by my kinswoman; and for the memory of her, I beseech your lordship to compassionate the distressed condition of me,

Your lordship's most humble and
Disconsolate servant,
JANE MOUNTNORRIS.

This 3th Febr. 1635-6.

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[1] The Lady Arabella Hollis, daughter of the Earl of Clare, Strafford's second wife.

The humble Petition of Sir Francis Annesley, Knight, and Baron Mountnorris, in the Realme of Ireland.

To the Honorable Assembly, the Knights, Citizens, and Burgesses, of the Commons House of Parliament.

Humbly shewing, that, whereas your petitioner, for divers yeares past, hath beene imployed by his majesty, and his late royal father, in divers offices and imployments of great trust and eminence within the realme of Ireland, wherein, to the utmost of his power, hee hath faithfully discharged the trust in him reposed with the publike approbation and satisfaction both of this and that state and realme; in testimony whereof, his majestie was pleased to dignifie your petitioner with the stile hee now beares. Yet the Right Honourable Thomas Earle of Strafford, lord lieutenant, lately lord deputy of the said realme of Ireland, having conceived a causelesse distaste against your petitioner, and thereupon indeavouring the revenge of some supposed personall neglect, and the undue advancement of his owne ends and instruments by the dishonour and ruine of your petitioner, his lordship, without any just cause at all, not only stript and deprived your petitioner of those honourable imployments with contumely and reproach, but also of his owne private fortunes, and the birth-right and libertie of a subject: a short view of part of which your petitioners sufferings hee humbly presents in these ensuing particulars:

1. First, whereas his late majesty, King James, by his highnesse letters, bearing date the first day of October, in the 14. yeare of his majesties reigne, did appoint your petitioner to be one of the principall secretaries, and of the councill of state for that realme, whereupon your petitioner was sworne and admitted accordingly; and whereas after, viz. the 8. day of June, in the sixteenth yeare of his said majesties raigne, his said late majestie, by his letters patents under the great seale of Ireland, did grant unto your petitioner, as well a pention of 200l. per annum, for the exercise of the said office, together with the fees thereunto belonging, as also the office of custody of the privie signet, with the incidents thereunto to bee held by your petitioner during his life immediately after the death, surrender, or forfeiture of Sir Dudley Norton, who held the same office and pention during his life, by force of which premisses, as your petitioner faithfully executed the said office of secretary, without fee during the life of the said Sir Dudley, who was for many yeares infirme, and unable to execute the same; so hee ought to hold the said office and pention since his decease or surrender, according to the effect of his majesties said patent; yet, upon pretence of a discourtesie supposed to be done by your petitioner to his lordships brother, Sir George Wentworth, his lordship obtained a surrender to bee made by the said Sir Dudley Norton, in or about the 12. day of July, in the tenth yeare of his now majesties reigne, and, contrarie to all right and justice, procured the said offices and fees to bee conferred upon Sir Philip Manwaring, who, notwithstanding your petitioners often requests and petitions to his lordship for releefe, still holds the same under the protection of the power and greatnesse of his lordship.

Whereas his now majesty by his highnesse letters patents, bearing date the xxx. day of May, in the first yeare of his highnesse raigne, did appoint your petitioner to be his vice treasurer, and generall receiver of his revennes within the said realme of Ireland during his majesties pleasure, with the fees and profits thereunto belonging, and appointed your petitioner to be treasurer at warres in the said kingdome by his majesties letters of the 13. of June 1632. And whereas your petitioner did refuse, at his lordship's solicitation, to make a dishonourable sale of the said offices, the said earle

being therewith enraged, and thereupon endevouring to captivate not onely your petitioners said offices, but also his honour and life, to his lordships power and pleasure, his lordship in a time of publike peace and serenity within that realme, the 12. day of December 1635, did call a councell of warre, and did accuse your petitioner of some words supposed to be spoken by your petitioner many moneths before, tending, in his lordships strayned construction, to the disturbance of government, and without allowing your petitioner liberty of cleering his innocencie in a legall manner, or so much as an houres time to make his just defence, proceeded to sentence at the same time; and although the said supposed words were no wayes criminall, yet his lordship, contrary to all justice, did cause the sentence of death to be pronounced against your petitioner, being a peere of that realme, as by the copy of the said sentence hereunto annexed may appeare.

3. Though his lordship, for the further advancing of his owne ends, did partly forbeare the execution of the said sentence, yet by colour thereof his lordship forthwith disposed of your petitioners foot-company, and committed your petitioner prisoner to the castle of Dublin, where he was conteined from the said twelfth day of December, 1635, untill the sixteenth day of Aprill, 1637. And within that time your petitioners papers, cabinets, trunks, and other places of his house, were strictly searched by some of his greatest adversaries, by his lordship's direction; and your petitioner for the space of twenty dayes was kept close prisoner to the extreme hazard of his life, untill at last he was forced to purchase his liberty by submission to the said unjust and illegal sentence, and by the accepting of a pardon for the same.

4. His lordship taking advantage of your petitioners condition, and indevouring not onely to justifie his former proceedings, but also to convict your petitioner, and render him a delinquent without a defence, did issue a commission to commissioners of his owne choyce and nomination, who, during your petitioners imprisonment, examined divers witnesses touching some misdemeanours falsely charged upon your petitioner in his office of vice-treasurer; which being returned, and the effect thereof transmitted into this kingdome, his lordship, by this and other undue practises, brought your petitioner into disgrace with his majesty, and thereupon procured the said offices of vice-treasurer, generall receiver and treasurer at warres, to bee conferred upon Sir Adam Loftus, knight, who had beene formerly one of your petitioners accusers.

5. Whilst thus your petitioner had his offices taken from him, his honour and integritie injuriously calumniated, his libertie restrained, his life not onely subject to the mercy of the said earle, but extremely endangered by a continuall sicknesse caused by his imprisonment, his lordship not therewith content, caused an information to be preferred against your petitioner in the castle chamber, touching the severall supposed misdemeanours enquired of by the said commissioners, wherein, though your petitioner was no wayes conscious of any guilt, yet, finding his councell awed by his lordships power, his judges to bee such as were formerly his inquisitors, the witnesses preengaged by an extrajudiciall examination, could expect no lesse then a sentence against him, notwithstanding his innocencie; your petitioner was put to this miserable choyce, either to suffer continuance and addition of his miseries, or otherwise to make such a submission as his lordship pleased, whereupon your petitioner was inforced in an ignominious manner to make submission, hoping thereby to purchase his libertie, and goe into England according to his majesties directions, though by so doing he could not effect the same, but his imprisonment was continued notwithstanding.

6. Whereas aswell by the fundamentall lawes of that realme, as also by his majesties declaration published in print upon returne of a commission, and by the advice of many grave and wise commissioners sent from hence into Ireland for examination of the grievances of his majesties subjects in that realme; the lord deputie and councell are not to meddle upon titles of inheritance betweene party and party; or in busines be-

longing to the cognizance of other courts; or to alter possession; yet his lordship, upon a paper petition to him preferred by Richard Rolston, against your petitioner, touching the mannour of Teemore in the said realme, after 18. yeares quiet possession thereof by your petitioner, hath decreed the said lands to the said Rolston, and by his owne warrant removed your petitioner out of possession thereof.

7. Whereas also by the said lawes of that kingdome, and by the said declaration, proceedings before the lord deputy and councell for things remediable in other courts, or by paper-petitions, and the abuses of *Habeas Corpus*, within that realme are prohibited, yet, upon a paper petition preferred to his lordship and the councell, by one Walter Peppard, touching land of inheritance in the petitioners possession, his lordship hath retained the said cause for his hearing, notwithstanding your petitioners legall exception thereunto. And upon the like paper petition preferred to his lordship by Arthur Manwaring, his lordship hath for divers years delayed and frustrated the benefit of an execution which your petitioner had against him for a debt by bond, and yet no end of the said Manwarings vexatious suites before his lordship, and such other referrences as his lordship appoints.

8. His lordship rated your petitioner for the payment of his majesties subsidies in 1000 pounds in the kings bookes, whereas men of farre greater visible and knowne estates are not charged with halfe that proportion, your petitioners estate being very meane to support the condition and qualitie of the honours graciously conferred upon him by his majestie, and his royall father, in acceptance of his faithfull services, and his wife and eleven children.

Now, forasmuch as your petitioner is no wayes guilty of the crymes under which he hath suffered, and yet it hath beene the hight of his lordships indevour, not onely to bereave your petitioner of his honour and fortunes, but also (as much as in him lay) of his innocence, by the said extorted submission, and obtruded pardon, hee here relinquisheth all advantage of defence by the said pardon, and freely submits the crymes to him imputed to the scruting and determination of this honourable and impartial assembly; and, forasmuch as the said oppressions sustained by your petitioner doe not onely in the highest degree concerne your petitioner in his innocence, honour, liberty, and fortunes, but also tend to the publike abuse and scandall of the lawes, liberties, and justic of both realmes, and to the introducing an arbitrary forme of government, your petitioner humbly offers the premisses to the consideration of this honourable assembly; and humbly prayes such reparation therein as to this honourable assembly shall seeme to stand with right and justice,

And your petitioner shall daily
pray, &c.

By the Lord Deputy and Generall of the Army and Councell of Warre.

Wentworth.

Whereas the kinges most excellent majesty by his highnesse letters of the 31. of July last, directed to us the lord deputie, hath beene graciously pleased to signifie, that as hee shall ever expect that all due reverence shall be given by his subjects to the person whom he appoints to be his deputy and generall of his army, within this his kingdome of Ireland; so, on the contrary, hee shall hold them blame-worthy, especially being persons who have received their dignities from him, or hold their places of honour and trust under his government, and yet shall forget their duty that way in their words or actions, to the ill example of others; and taking notice of the carriage of the lord Mountnorris, his majesties vice treasurer and treasurer at warres here (who holds a captaines place in his majesties army) by uttering some speeches inciting a revenge upon

us the lord deputy and generall, from a lieutenant of this army, for performing the duties of our place with modesty and good reason, in the time of exercising our troope, which his majestie in his said letters declares to bee an offence much unbeseeming the gravity of a privy counsellor to us the lord deputy, and the dutie of a captaine to his general, and not to be suffered in any well governed army, where good discipline must be the rule and square of every mans actions: And therefore, being very sensible of the honour of us his deputy, and generall of his army, which may suffer herein, and be of ill consequence in the future, hee hath, by his said letters, willed and commanded us the lord deputy and generall, upon receipt of those his letters, to call a councell of warre, and, after a due examination and proofe of those speeches by the lord Mountnorris, his majesties expresse will and pleasure is, that hee should undergoe and be liable to such censure as the said councell should impose upon him, for the full reparation of us his deputy and generall in that point, and that there be no failing in putting the same in due and speedy execution: In obedience to which his majesties commandment, wee the lord deputy called a councell of warre, who, being this day assembled, wee the lord deputy, in the presence of the said lord Mountnorris, did charge him with this offence: That, within three or foure dayes, or thereabouts, after the end of the parliament, it being mentioned at the lord chancellors table, that after wee the lord deputy had dissolved the parliament, being sitting downe in the presence chamber, one of our servants, in moving a stoole, happened to hurt our foote, then indisposed through an accession of the gout, that one then present at the lord chancellors table said to the lord Mountnorris, being there likewise, that it was Annesley his lordships kinsman, and one of our the lord deputy and generalls gentlemen ushers that had done it: Whereupon the lord Mountnorris then publikely, and in a scornfull contemptuous manner answered, perhaps it was done in revenge of that publike affront which my lord deputy had done him formerly, but he has a brother that would not take such a revenge; which charge being so layd, the lord Mountnorris was required by this councell of warre to make answer thereunto, who, going about to answer it, and yet neither confessing nor denying them, this councell, after some time spent therein, required him to answer the said charge, either negatively or affirmatively, yet would not confesse or deny them, whereupon the witnesses vouched for proofe thereof were called, namely, our very good lord, the lord viscount Moore, and sir Robert Loftus, knight, sonne and heire to our very good lord, the lord chancellor, persons who, though they were not the originall relators of his lordships said discourse to us the lord deputy, yet, being present when the said words were so spoken, were conceived to be able to give testimony therein: And therefore were called to be interrogated withall thereupon; who, being examined before this councell upon oath ministred unto them by the clarke of the councell before us, by commandment of us the lord deputy, and their depositions then reduced to writing, and subscribed by them in our presence, and in the presence also of the said lord Mountnorris, who heard them affirme the same, It thereby appeareth, that the said lord Mountnorris uttered and spoke the said words in manner and forme and at the time and place aforesaid: The charge layd against him standing then fully proved, the said lord Mountnorris at last submitted himselfe to the judgement of this councell, protesting that what interpretation soever his words might have put upon them, hee intended no prejudice or hurt to the person of us the deputy and generall, affirming that, by these words, "but hee hath a brother that would not take such a revenge," his lordship meant onely, that the said brother would dye before hee would give us, the deputy and generall, occasion to give him such a rebuke. We fell in the next place to consider as of the nature of the offence; so of the punishment due thereunto. And, first, for the nature of the offence, we conceive it to containe, first, a calumny against the person of us the deputy and generall of the army, insinuating by these words, the publike affront or the disgrace, which my lord deputy had done him formerly, that indeed there had beene such an affront or disgrace put upon him by us the lord deputy, whereas in truth it was

nothing so, but that which was pretended by the lord Mountnorris to have beene the said disgrace or affront to his kinsman was this: That his said kinsman (being one of the horse-troope commanded by us the lord deputy) in the time of exercising the said troope, was out of order on horse-backe, to the disturbance of the rest then in exercising, for which wee the lord deputy in a mild manner reproving him, as soone as wee turned aside from him, we observed him to laugh and geere at us for our just reproofe of him, which wee disliking, returned to him, and laying a small cane (which wee then carried) on his shoulders (yet without any blow or stroke then given him therewith) told him, that, if he did serve us so any more, we would lay him over the pate; the truth of which fact appeared unto us by the relation of his majesties said deputy, and our generall, avowed and confirmed by two of us the captaines; namely, the lord Kirkudbright and sir Frederick Hamilton, knight, who then saw the manner of it, and now sate as members of this councell; which said act was by this whole councell adjudged to have beene a farre milder proceeding with the said Annesley, then such an insolence and disobedience to any commander, much more to his generall, merited, and therefore it was a speech savoring doubtlesse of malice, to insinuate that as an affront or disgrace, which was indeed a justly merited, but mild and modest reprehension and admonition. Secondly, we conceive the offence to containe an incitement to a revenge in these words, "but he has a brother that would not take such a revenge." Which incitement might have given encouragement to that brother, being then and now in this kingdome, and lieutenant of the said lord Mountnorris, his foot company, to the said Annesley, himselfe being continually so neare the person of us the deputy and generall, or to some other to have taken up resolutions of dangerous consequences, and the manner of speaking the words do so farre aggravate them, as there is no place left for any indulgent construction to be made of them, nor indeed any construction but such as renders the speaker a delinquent in a high and a transcendant manner against the person of his generall and his majesties authority, whence wee derive our power. This counsell also tooke it into consideration, that, if the like words had beene spoken of the sacred person of our dread soveraigne lord the king, they had amounted to little lesse then high treason, which, by some rule of relation, apply themselves even to his majesty, being directed to the person of his deputy, and the revenge thus insolently vaunted to have beene taken upon him, being done when we the deputy and generall had that great and high honour (which we alwayes esteeme our selfe in our selfe farre unworthy of) as to bee apparelled and robed with his majesties owne robe of majesty and soveraignty. We considered likewise the time when these words were spoken, when part of the army was in motion, and when there were divers companies of foot and troops of horse in towne, and daily in exercising and training, whereat for the most part wee the deputy were present, and the towne full of people from all parts of the kingdome, as then unreturned back to their owne dwellings, from their sitting in parliament. In the next place, for the punishment due to his offence, we judge it to be an apparent breach and contempt of the one and fortieth article of the printed lawes and orders of warre, established for the good conduct of the service of Ireland, dated the thirteenth of March, 1633, and published in print by us the lord deputie soone after our accesse to this government, in these words of the said articles: No man shall give any disgracefull words, or commit any act to the disgrace of any person in his army or garrison, or any part thereof, upon paine of imprisonment, publike disarming, and banishment from the army, as men forever disabled to carry armes. And which is more, in like breach and contempt of the thirteenth article of the said printed lawes and orders of warre, the words of which article are these: No man shall offer any violence, or contemptuously disobey his commander, or doe any act or speake any words which are like to breed any mutinie in the army or garrison, or impeach the obeying of the generall or principall officers directions, upon paine of death; which articles are no other then the very same articles this army had alwaies

beene governed by in the time of the late lord Faulkland, lord Wilmot, and other the generalls before them; and therefore this councell of warre, in conformitie to his majesties gracious pleasure signified as afore-said, and as well to vindicate the honour of us his majesties deputy and generall of his army, from the wrong and contempt under which wee now suffer, to the scandall of this government, and to the ill example of others, as also to deliver over to all which beare office, or are lifted as members of the army, under the rule and government of us his generall, an example of justice for them to take warning by, how they presume to offend against the authority intrusted with us by his majestie, doe hereby adjudge, order, and decree, that the said lord Mountnorris stands justly and deservedly lyable to undergoe the censures, paines, and punishments by the said fortie one and thirteenth articles provided against the breakers of all good discipline, and the transgressors against those orders, which are, by the said fortie one article, imprisonment, publike disarming, and banishment from the army, as a man for ever disabled to carry armes, and by the said thirteenth article death; and therefore, according to the said articles, this councell do unanimously, with one joynt consent (not one of us being of other opinion) adjudge the said lord Mountnorris, for his said high and great offences, to be imprisoned, to stand from henceforth deprived of all the places, with the intertainments due thereunto, which he holds now in the army, to be disarmed, to be banished the army, and disenabled for ever bearing office therein hereafter; and, lastly, to be shot to death, or to lose his head, at the pleasure of the generall. Given at his majesties castle of Dublin the twelfth day of December, 1635.

Valentia, Tho. Cromwell, R. Ranelagh, R. Dillon.
Lau. Esmond, Kirkud Bright, Jo. Borlase, Cha. Coote.
Tho. Weinmau, Ar. Tiringham, Ar. Blundell.
Faith: Fortescue, Ro. Farrer, Jo. Borlase, Tho. Roper.

A Petition preferred to the Lower House of Parliament against the Lord Lieutenant of Ireland, for causing a Gentleman to be hanged, contrary to the Lawe, he calling a Jury of partial Men.

This absurd and unlikely story appears to have been brought forward with no other view than that of increasing the popular clamour against Strafford.

Whereas the said lieutenant of Ireland desireing to buy a parcell of land of Mr Enderby (itt being his inheritance) hee denyed to sell it; and hee seeing no meanes to compasse his desires, intended to see if hee could intrapp him; hee loveing a good horse, the lieutenant sent a servant of his to ryde one of his best horses neere to Mr Enderbyes house, which when he saw, hee desired the man to make him a price, and hee asked one hundred pound for him, but in the conclusion toke 80l. which, when hee had received, hee presently returned to his lord, who pretending, after the receipt of the money and an accompt of the passages, pretended great businesse for him in England, and presently shipped him away. After this man was gone, my lord lieutenant sent hue and crye out for his horse, which, being found in the hands of Mr Enderbye, hee presently caused him to be charged of felony; and at the next sessions to be arraigned

for stealeing the horse. The jury being informed of the honest life and conversation of Mr Enderbye, denyed to find him guiltie, which, when the deputie sawe, hee caused most of them to be severely punished, and called a new jury, which found him guilty, and the judge condemned him, and hee was hanged. But by the providence of God, this was found out the last summer, in the north parts of England. The lieutenants man being there, and meeting with two of his acquaintance that lived in Ireland, by way of discourse, asked how this Mr Enderby did? who answered, hee was hanged. Hee being astonished at the news, asked for what? They telling him as before mentioned, hee related to them the whole passages, that he sold the horse, and gave the money to his lord. These things are all to be justified to this honorable house.

The Extent of my Lord Lieutenants Charge of Treasons, Rapines, and straing Misdemeanors, digested into Seaven Articles, with their Instances, viz.

Upon Friday 20th November, 1640, the articles offered against the Earl of Strafford were referred to the committee appointed to draw up the charge against him. Upon Tuesday 24th, the same articles having been resolved upon by question, were ordered to be engrossed against the next morning, and no copies of them delivered out in the interim. And Mr Pym was directed to go up with the charge to the House of Lords. The articles finally adopted by the Commons were twenty-eight in number; and, by comparing them with the following articles and supplement, the reader may judge of the dexterity with which the leaders of the popular party eked out their plea upon this memorable occasion.

Tuesday, November.

Article I. That he hath designed to subvert the fundamentall lawes of England and Ireland, and to introduce an arbitrary and tyrannicall form of government, and to advise the king to establish it by violence and armes.

Instance 1. In that hee said England was sicke of peace, and must now be conquered.

Art. II. That he trayterously usurped in both the said realmes, regall power over the lives, estates, and priviledges of the subjects.

Inst. 1. In that the earle of Thoumond desireing justice in a legall way, was answered by the lieutenant, 'You shall have none other lawe but out of my owne breathe.'

2. The judgement of death given in my lord Mount-Norris case.

3. The taking away divers mens lands and inheritances, meerely by his owne power.

4. In the displacing of judges and officers.

Art. III. That hee had converted the kings revenues unto his owne use, when both kingdomes were in greatest necessity, and had most use of it.

Inst. 1. In setting impositions upon merchandize for his owne use, and the detaining the kings treasure without accompt.

2. In not accompting for the recusants money received by him.

3. For not accompting for allome monies received by him.

4. For taking 40000l. out of the kings exchequer, to buy tobacco for his owne use, and leaving the kings army unpaid.

Art. IV. That he conspired to alter our religion established.

Inst. 1. In that hee made himselfe a partie of papists, that he might the better effect his own purposes, and encouraging the papists to work his owne ends.

Art. V. That the loss of Newcastle, and the defeate of Newborne, and the dishonor that happened to our king and kingdome in the north, have bene only the effects of his evil councells.

Inst. 1. That the lord Conway advised him that Newcastle was not to be held; and that his army was too weake to encounter with the Scots. The lieutenant commaunded him, notwithstanding this advice, by a letter under his own hand, to fight, come what would come of it.

Art. VI. That hee endeavoured to engage both nations of England and Scotland in mortall and irreconcileable quarrells.

Inst. 1. That he endeavoured to stirr upp differences betweene both nations, and that he advised the king to invade Scotland.

Art. VII. That hee endeavoured to divert our parliaments, and infringe the liberties of them, that soe hee might not be called to accompt.

Inst. 1. In Ireland he refused writts for 30 borough towns, because they would not chuse such as he recommended.

2. In that hee had a hand in the declaration published after the breach of the last parliament: A declaration that the house of commons received. Most of these things are highe and haynous treasons.

The Conclusion.

That the house of commons doe still reserve unto themselves power of adding to the charge as there shall be occasion heereafter.

Mr Pym desireing that my lord Strafford might be called to answer, that the house might give their charge to prove them.

And then said, that, if the king did give them leave to sitt but four monethes, they would make him greater than any of his predecessors, and that there were obstructions, whereof this was the chiefe, that should be removed ere long.

A Second Charge (by way of Supplement) against the Earl of Strafford, Lord Lieutenant of Ireland.

1. That hee hath by his unwarrantable, illegall proceedings, contrary to the lawes of this kingdome, damnified and impoverished the county of Yorke 300000l. these two last yeares whereof he was lord-lieutenant.

2. That, by his commission of military lawe, two of the kings subjects, being soldiers of the trayned band of Yorkshire, for demaunding their pay due unto them, and in their colonells hands, weere executed by his warrant and direction.

3. That at his coming to Yorke he brought with him three proclamations, all of them of daingerous consequence for the lives and estates of most of the greatest and best subjects of the kingdome.

4. That, by his advise tending to the ruine of some great personages of this kingdome, hee procured to be placed in the Tower of London, a constable, and the Tower to be better fortified, and the wall rampier'd, with great ordinance placed thereon, and a garrison of desperate fellows to be placed in it.

5. That, by his direction and councell, there was an attempt upon some great lords to have carried them to the Tower.

6. That after the comeing of the peares to Yorke, hee had attempted, by his agents, to devide the lords that were at Rippon, to disturbe theire intentions with the Scotts, and to raise upp a nationall quarrell betwixt the two kingdomes.

7. That the lieutenant, by his agents, did endeavour to practise with some of the Scotts partie, to discover by what English partie or meanes they were brought into England; and hee did labour and sollicite, that, if the Scotts would separate themselves from the English partie, they should have a blanche sent them under the kings hand, to insert their owne conditions for the kingdome of Scotland, and to leave the king and the English parliament to the settling of their owne affaires.

Articles delivered by the Howse of Commons against Thomas Earle of Strafford.

1. The article of 40000l. is not proved, the witnesses are not come over, but wee need not stay for that, in regard the world doth tax us of delay.

2. The Lord of Strafford gained a commission to himselfe and diverse gentlemen in the county, to examine any differences in private of lawe and misdemeanors, and herein used an unlawfull course of proceedings, and told the gentlemen on the bench, that nothing would please them but lawe, but they should finde more power in the king's little finger then in the loynes of the lawe.

3. That he said at Dublin, before the greatest assembly of the kingdome, That Ireland was a conquered nation, and theire charters worth nothing, and that the king might doe what hee pleased with them and theire estates.

4. Hee commaunded the Earle of Corke to cease his suits, and not to dispute his power, and that hee would make them knowe, that an act of state should be above the lawe.

5. Hee caused the cause of teneures to be fraimed and printed, and commaunded that no man should dispute his power, nor an act of state.

6. That the Lord Mountnorris, his case was without all or any course of lawe.

That upon the case of tenures, the Lord Dillon and others were disseised of their lands and estates to a great value.

7. The case of the lord chancellour and his imprisonment.

8. The imprisonment of the Earl of Kildare for not delivering upp his haven and estate of great value.

9. The Hebbots and divers others imprisoned till they delivered upp their estates.

10. That hee granted a commission to divers, to imprisson the poorer sort of people that obeyed not his judgments.

11. That hee farmed the customes, and then made a booke of rates, to the advauncement of a greate revenue to himselfe to the third or fowerth value of the commodities.

12. That no home commodities could be exported but by his leave.

13. The great estate hee made of tobacco, starch, flax, iron, pells, and tobacco pipes, and forced all by seale proclamations.

14 That hee forced an oath upon all marriners and officers of shipps, to deliver an invoy to his officers.

15. That hee intended and begun to subdue the subjects of Ireland, and billetted soldiers with theire army that did not obey his will.

16. That hee taxed divers somes of money upon the greatest citties, which hee raised by troopes of men in armes, and by them expulsed an hundred families, because they would not yield upp their estates.

17. That, to prevent their complaints, hee confyned the nobility and others that they should not depart the kingdome without his licence.

18. That hee declared that the king would make the Irish army a patterne to the three kingdomes.

19. That the newe army was well paid and permitted, their number being 80000.

20. That, to oblige that practize, hee compounded with recusants at very lowe rates.

21. That hee contrived an oath that they should not disobey any of the kings commands, and fyned and imprisoned them that refused it, some 5000l. a peece, and swore that hee would prosecute the refusers to blood.

22. That hee incited the king to the breaking of the pacification and making warr against the Scotts, for that hee said they were rebells and traytors.

23. That hee gave his majestie councell to raise money by force.

24. That hee procured the Irish in parliament to declare warr against Scotland.

25. That hee said the king should be acquitted, with God and man, if hee used his authority to raise money, [1] the parliament having denyed supplies.

26. That hee advised the king to demaund 12 subsides to lay downe the ship-money, and, if they were not granted, advised his majestie to dissolve the parliament.

27. That then hee told the king hee was loosed from all government, and might use his power to supply himselfe by force, or other meanes, as hee pleased, since the parliament have refused him, and that hee had an army in the land should reduce this kingdom to obedience.

28. That hee advised the king to goe rigorously to leavy ship-money.

29. That hee advised the king to borrowe 100000l. of the city, which, being refused, hee said, That theire lives should be ransomed at the uttermost of theire estates, and that it would be noe better, till some of the aldermen weere hanged, and the rest laid by the heeles.

30. That hee raised 130000l. in bullion to be seised in the Tower to a desperate consequence, and counselled the king to abase the coyne by copper money.

31. That hee said the French king did by troopes of horse force a viewe to mens estates, that so hee might take them, and told the Lord Cottington, That it was worthy his counsell and consideration.

32. That this last yeare, in the north, hee raised money by the terrors of the soldiers.

33. That he was the only cause of the losse of Newcastle, and produced the Lord Conwayes letter, and this was to engage the two kingdomes in a warr.

[1] In the MS.—'If he used his money to raise money.'

Mr St Johns Speech, or Argument in Parliament ; shewing, whether a Man may be a Judge and a Witness in the same Cause. By Way of Preface, I shall return a distinction between a doubtful and a scrupulous Conscience.

Printed in the Yeare 1641.

This piece of sophistry, for it deserves no better name, was used to clear the way for the evidence to be delivered upon Strafford's trial, in which the privy counsellors were to be examined, some of whom were peers, and consequently his judges by law; others members of the house of commons, who became his judges in fact.

The former assents to neither of the two opinions wherewith it is distracted, and by this means suspends the action. The latter inclines to one of the two opinions, and goeth on to the performance of the action, but neither so cheerfully and roundly as it ought to do, but with some reluctance in regard of that consideration it still retaineth of the contrary opinion. As a man that hath a little stone or some gravell got into his shoes (which is a scruple in the proper and gramatical sence) makes a shift to get home to his house, though not without some pain and molestation ; these scruples, if we cannot cast them out, by reason and better information, casuists advise us to forget them, if it be possible, or however to passe them over, and fall to the action, notwithstanding their jogging and interruption of us, in the cheerfull performance of the same, *Amesius de cons.* lib. 1. cap. 6. regularly and in ordinarie proceeding, one and the same man, in one and the same cause may be excepted against for being both judge and witnesse. For Dut. xvii. 16. (which I take to be the ground whereon the resolution of this question is to be erected) the judges in the gate and the two witnesses are not the same, but severall and distinct persons.

And Testatus his opinion, that, under the Old Testament, one and the same man, in one and the same cause, might be a judge and a witnesse, as the two elders were against Susannah, vi. and 34. verse, is as apocryphall as the book itself from whence it is quoted. For they are not the judges or elders, but the assemblie which pronounce the sentence, so the 41st verse. And we live under the New Testament, where it is not permitted that a man shall be a judge and a witnesse against me, saith the same Testatus, in Exod. xxiii. where he quotes for his opinion, Greg. 9. in his Decretals, lib. 5. *de verborum signific. cap. forus.* And of this opinion the civill lawyers give these reasons:

1. First, because this were for one man to usurp two functions, which ought to be several and distinct, as that of a judge and that of a witnesse, *Jelinus et Auferius in Hut.* *Æmilius* his tractate, *de testibus*, page 208.

2. Because by this means the same agent might act and operate upon itself, by becoming both the judge imposing, and the witnesse receiving the oath, to deliver the whole truth, which is not convenient, saith *Albericus de Rosace, Tract.* Doctor Wol. 1. page 260. And *Pawfrancus ab Arrad. Tract. Doc. Vob.* 4. page 157.

3. Because this were for a man to judge as God, say the schoolmen, that is, out of his own private knowledge. Whereas, saith Cajetan, man ought not to be judge as

God, but as God would have him to judge: that is, *secundum allegata et probata*, and by a publike not a private knowledge. The act of judging is a publike act, and must arise from publike causes, a publike person, a publike power, a publike knowledge, (from others and not from himself) and a publike will; and this cannot be when a man judgeth upon that, which he only knoweth himself as a private person, *Cajestan* in 22. De. iv. 67. Act. ii. And it is the conclusion of all the doctors, that a judge *non potest testificare coram se*, can give himself no convincing evidence. *Alber. de Rosate in tract.* Doctor Vob. 1. page 260. Testatus gives a reason hereof, because no man can do as God doth, that is, infuse into the prisoner at the barre, *cogitationem memorem omnium factorum*, a glimpse or thought that shall cause all the actions of his whole life to appear before him, when he beholds the judge in the face, nor unto the hearers probations, cogitations, a clear and naked evidence of all the proofes in the cause. This God onely can do of himself, other judges cannot without the help of witnesses. Tract. in Matth. cap. xxv. *quæst.* 334.

4. That old observation of the canonists, and of St Augustine, would fail, if a man could be a judge and a witnesse; that a false witnesse is injurious to all these three, to God, to the judge, to the party, which would fail, if the judge himself might be a witnesse.

Lastly, as they exclude him that hath been a councellor in the cause, because he is like to make good his own plea, so do they conceive the witnesse to be excluded with much reason, lest he should be too much wedded to his former disposition.

These are the Reasons why regularly and in ordinarie Proceedings a Witnesse may be excepted against from being in the same Cause.

But I do not find in any lawyer or casuists, that a man is bound in conscience to except against himself, for being a judge in that cause, wherein he had been produced as a witnesse; and I find rather the contrary opinion in good authors. And that, if both parties be content, and take no exception to it, a witnesse may be a judge in the same cause. It is the opinion of that great *jurisconsultum Felinus*, but quoted by *Hutor Æmilius, Tract. de Testibus*, page 213.

And this without all question to be made thereof, if he have *contestes*, that is, some witnesses more besides himself, that concur in the evidence; *Hut. Æmilius de testib.* page 200.

Provided always, that when he comes to give judgement, he must never ground his sentence upon any private knowledge of his owne, but upon what is alleadged and proved before him, by the testimonies and depositions of other witnesses, that is, as the schoolmen speake it, he must not sentence out of his private, but out of his publike knowledge, acquired generally from the municipall lawes of that country wherein he lives; and more particularly from matters of record, writings and depositions of witnesses *Aquini* 22. *de quest.* 67. Act. 2.

For the jury of the voisinage, I do under favour conceive them no judges at all; they are to inquire out and to find a fact; they are not to applie the generall law unto a particular fact, which properly is to judge and determine it. Whether the Lord Cobham was first produced as a witnesse, and afterwards summoned as a peere in the tryall of the Lord Gray, I know not, nor ever heard of it before this time; but I do believe that upon the rolls of 50 of Edward III, it will appear, that John Duke of Lancaster was accuser, witnesse, and judge, in the tryall of Alice Peirs, which may alter the rules of the law, in parliamentary proceedings, 23d of March. 1641.

Two Speeches made by John Pymm, Esquire; the one after the Articles of the Charge against the Earle of Strafford were read; the other after the Articles of the Charge against Sir George Ratcliffe were read. Mr Pymm's Speech made the 25th of November, 1640.

Sir Thomas Wentworth and the celebrated Pymm were fellow-labourers in behalf of the people's rights, in the parliament of 1627. But when the former, yielding to ambition, or to conviction, deserted the popular cause, and told Pymm he had left them, "I see so," answered the latter, "but we will never leave you while the head remains on your shoulders." The parliament convoked upon the unfortunate issue of the Scottish war, in 1639, gave free scope to the current of vengeance. Strafford, who had been summoned from Ireland to assist the King, was soon called upon to make his own defence. The scene of his impeachment, in which Pymm bore a principal share, is described by Principal Baillie, one of the Scottish commissioners, in the following curious and animated manner:

"All things go here as our hearts could wish. The Lieutenant of Ireland came but on Monday to town late, on Tuesday rested, on Wednesday, (11th of November, 1640) came to parliament; but ere night he was caged. Intolerable pride and oppression, cries to Heaven for a vengeance. The Lower House closed their doors, the Speaker kept the keys till his accusation was concluded. Thereafter Mr Pymm went up, with a number at his back, to the Higher House; and, in a pretty short speech, did, in the name of the Lower House, and in the name of the Commons of all England, accuse Thomas Earl of Strafford, Lord Lieutenant of Ireland, of high treason; and required his person to be arrested till probation might be heard: so Mr Pymm and his back were removed. The Lords began to consult on that strange and unexpected motion. The word goes in haste to the Lord Lieutenant, where he was with the king: with speed he comes to the House; he calls rudely at the door; James Maxwell, keeper of the black rod, opens: his Lordship, with a proud glooming countenance, makes towards his place at the board head: but at once many bid him void the House: so he is forced, in confusion, to go to the door till he was called. After consultation, being called in, he stands, but is commanded to kneel; and on his knees to hear the sentence. Being on his knees, he is delivered to the keeper of the black rod, to be prisoner till he was cleared of those crimes the House of Commons had charged him with. He offered to speak, but was commanded to be gone without a word. In the outer room, James Maxwell required him, as prisoner, to deliver his sword. When he had got it, he cries with a loud voice, for his man to carry my lord lieutenant's sword. This done, he makes through a number of people towards his coach, all gazing, no man capping to him, before whom, that morning, the greatest of England would have discovered, (*i. e.* uncovered,) all crying, What is the matter? He said, A small matter, I warrant you. They replied, Yes indeed, high treason is a small matter. Coming to the place where he expected his coach, it was not there; so he behoved to return that same way, through a world of gazing people. When at last he had found his coach, and was entering, James Maxwell told him, Your lordship is my prisoner, and must go in my coach, so he behoved to do. For some days too many went to visit him, but since the parliament has commanded his keeping to be straiter, pursuivants are dispatched to Ireland, to open all the ports, and to proclaim that all who had grievances might come over; also to fetch over Sir George Ratcliffe, who will be caused to depone many things. The chief is, his intention with the Irish army, and so many as the king could make, to fall on the English lords who are the country-way; his cruel monopolies, whereby he suckt up, for his own use, the whole substance of Ireland. Lord Montnorris, Sir John Clotworthy, the chancellor, have been chief informers. The king was much commoved; the marquis, by the delivery of Pymm's speech, did somewhat calm him. The parliament of Ireland is sitting: a remonstrance from them, without any knowledge of things done here, came this day to the king, which they say has

calmed him much, and turned his mind somewhat from the deputy."—BAILLIE's *Letters and Journals. Edinburgh,* 1775, I. p. 217.

The accusation thus commenced was not suffered to grow cold. On the 25th of November, four days after the arrest, the commons demanded a conference with the lords, and deputed Mr Pymm to lay before them the articles of the impeachment against Strafford. " Mr Pymm (says Rushworth) before he went, made a short declaration of that he intended to the lords, both before and after the delivery of the articles of the nature of the charge, and of the legal prerogative of the king, and of the ordinary course of proceeding in a case of this nature." The following speech contains the particulars of the declaration, so quoted by Parliament.

MY LORDS,

THESE articles have exprest the character of a great and dangerous treason; such a one as is advanced to the highest degree of malice and of mischiefe: it is enlarged beyond the limits of any description or definition: it is so hainous in itselfe, as that it is capable of no aggravation: a treason against God, betraying his truth and worship; against the king, obscuring the glory, and weakning the foundation of his throne; against the common wealth, by destroying the principles of safetie and prosperitie. Other treasons are against the rule of the law, this is against the being of the law: It is the law that unites the king and his people; and the author of this treason hath endeavoured to dissolve that union, even to breake the mutuall, irreversall, indissoluble band of protection and allegiance, whereby they are, and I hope ever will be, bound together.

If this treason had taken effect, our soules had been inthralled to the spirituall tyranny of Satan; our consciences to the ecclesiastical tyranny of the pope; our lives, our persons and estates, to the civill tyranny of an arbitrary, unlimited, confused government.

Treason in the least degree, is an odious and horrid crime: other treasons are particular; if a fort be betrayed, or an army, or any other treasonable fact committed, the kingdom may out-live any of these: this treason would have dissolved the frame and being of the common-wealth; it is an universall, a catholicke treason; the venome and malignity of all other treasons are abstracted, digested, sublimated into this.

The law of this kingdome makes the king to bee the fountaine of justice, of peace, of protection; therefore we say, the kings courts, the kings judges, the kings lawes: the royall power and majestie shines upon us in every publique blessing and benefit we enjoy: but the author of this treason would make him the fountaine of injustice, of confusion, of publique misery and calamitie.

The Gentiles, by the light of nature, had some obscure apprehensions of the Deity, of which they made this expression, that hee was *Deus optimus maximus,* an infinite goodnesse and an infinite greatnesse. All soveraigne princes have some characters of divinity imprinted on them; they are set up in their dominions to bee *Optimi Maximi,* that they should exercise a goodnesse proportionable to their greatnesse.

That law terme, *Læsa Majestas,* whereby they expresse that which we call treason, was never more thorowly fulfilled then now: there cannot bee a greater læsion or diminution of majesty, then to bereave a king of the glory of his goodnes. It is a goodnes (my lords) that can produce not only to his people, but likewise to himself, honour and happines. There are principalities, thrones, and dominions amongst the divels; greatnesse enough; but being uncapable of goodnesse, they are made uncapable both of honour and happinesse.

The lawes of this kingdome have invested the royall crowne with power sufficient

for the manifestation of his goodnesse and of his greatness: if more be required, it is like to have no other effects but povertie, weaknesse, and miserie, whereof of late we have had very wofull experience. It is farre from the commons to desire any abridgement of those great prerogatives which belong to the king; they know that their owne libertie and peace are preserved and secured by his prerogative, and they will alwaies be ready to support and supply his majestie with their lives and fortunes for the maintenance of his just and lawfull power.

This (my lords) is in all our thoughts, in our prayers, and I hope will be so manifested in our endeavours, that, if the proceedings of this parliament be not interrupted as others have bin, the king may within a few monthes be put into a cleere way, of as much greatnes, plentie, and glory, as any of his royall auncestors have enjoyed.

A king and his people make one body: the inferiour parts conferre nourishment and strength, the superiour sence and motion: If there be an interruption of this necessary intercourse of blood and spirits, the whole bodies must needs be subject to decay and distemper: Therefore obstructions are first to be removed before restoratives can be applied. This (my lords) is the end of this accusation, whereby the commons seeke to remove this person, whom they conceive to have bin a great cause of the obstructions betwixt his majestie and his people: for the effecting whereof they have commanded mee to desire your lordship, that their proceedings against him may bee put into as speedie a way of dispatch as the courses of parliament will allow.

First, that he may be called to answere, and they may have libertie to replie, that there may bee a quick and secret examination of witnesses: and they may from time to time be acquainted with the depositions: that so when the cause shall bee ripe for judgment, they may collect the severall examinations, and represent to your lordships, in one entire bodie, the state of the proofes; as now by mee they have presented to you the state of the charge.*

Mr Pymm's Speech, made the 31st of December, 1640, after the Articles of the Charge against Sir George Ratcliffe were read.

Sir George Ratcliffe, a privy counsellor of the kingdom of Ireland, was, along with the Bishop of Derry, the Lord Chancellor, Sir Richard Bolton, and Sir Gerard Lowther, Chief Justice of the Common Pleas, impeached of high treason by the House of Commons. The articles charged them with a design to subvert the fundamental laws of the realm, with usurpation on the liberty of the subject, and a design to subvert the rights of parliament. But these charges are so generally expressed as to give countenance to Clarendon's insinuation, that Sir George Ratcliffe was only impeached to prevent his giving evidence in favour of Strafford.

By hearing this charge, your lordships may perceive what neere conjunction there is betweene this cause and the earle of Straffords: the materials are (for the most part)

* Upon Pymm's return from the conference, he reported, that he had delivered the charge put into his hands, and craved the house's excuse, if any thing had escaped him through weakness or disability. Upon which he received the thanks of the house.

the same in both; the offences of the earle, moving from a higher orb, are more comprehensive; they extend both to England and Ireland; these (except in one particular, of reducing England by the Irish army) are confined within one kingdom; the earle is charged as an author, sir George Ratcliffe as an instrument and subordinate actor.

The influences of superiour planets are often augmented and inforced, but seldome mitigated by the concurrence of the inferiour, where merit doth arise, not from well-doing, but from ill; the officiousnesse of ministers will rather adde to the malignitie of their instructions, then diminish it, that so they may more fully ingratiate themselves with those upon whom they depend.

In the crimes committed by the earle, there appears more haughtines and fiercenes, being acted by his owne principles: those motions are ever strongest, which are neerest the *primum mobile.* But in those of sir George Ratcliffe, there seems to be more basenesse and servility, having resigned and subjected himselfe to bee acted by the corrupt will of another.

The earle of Strafford hath not beene bred in the study and practise of the law, and having stronger lusts and passions to incite, and lesse knowledge to restraine him, might more easily bee transported from the rule; sir George Ratcliffe, in his naturall temper and disposition more moderate, and by his education and profession better acquainted with the grounds and directions of the law, was carried into his offences by a more immediate concurrence of his will, and a more corrupt suppression of his owne reason and judgment.

My lords, as both these have bin partners in offending; so it is the desire of the commons they may be put under such triall and examination, and other proceedings of justice, as may bring them to partake in a deserved punishment, for the safety and good of both kingdomes.

Mr Maynards Speech before both Houses in Parliament, upon Wednesday the 23d of March, in reply upon the Earle of Straffords Answer to his Articles at the Barre. Printed in the Yeare 1641.

The trial of Strafford was carried on with all the state and solemnity which a cause of such importance, involving also such deep and universal national interest, seemed to require. The following account of the apparatus and form of the proceeding, is given by Principal Baillie, who, being a stranger, notices some minute and curious particulars, which we do not find in the English writers:—"Westminster-hall is a room as long and as broad, if not more, than the outer house of the high church of Glasgow, supposing the pillars were removed. In the midst of it was erected a stage, like that prepared for the assembly of Glasgow, but much more large, taking up the breadth of the whole house, from wall to wall, and of the length more than a third part. On the north end was set a throne for the king, and a chair for the prince. Before it lay a large wool-sack, covered with green, for my lord steward, the Earl of Arundel. Beneath it lay two other sacks for the lord keeper and the judges, with the rest of the chancery, all in their red robes. Beneath this, a little table for four or five clerks of the parliament, in their black gowns. Round about these, some forms covered with green freeze, whereupon the earls and lords did sit in their red robes, of the same fashion, lined with the same white ermine skins as ye see the robes of our lords when they ride in parliament; the lords on their right sleeves having two bars of white skins, the viscounts two and a half, the earls three, the marquis of Winchester three and a half. England hath no more marquisses; and he but a late upstart, a creature of Queen Elizabeth. Hamilton goes here but among the earls, and that a late one. Dukes they have none in parliament: York, Richmond, and Buckingham, are but boys; Lennox goes among the late earls. Behind the forms where the lords sit,

there is a bar covered with green. At the one end stands the committee of eight or ten gentlemen appointed by the house of commons to pursue. At the midst, there is a little desk, where the prisoner Strafford stands and sits as he pleases, together with his keeper, Sir William Balfour, lieutenant of the Tower. At the back of this is a desk for Strafford's four secretaries, who carried his papers, and assist him in writing and reading. At their side is a void for witnesses to stand, and behind them a long desk at the wall of the room, for Strafford's counsel at law, some five or six able lawyers, who were not permitted to dispute in matters of fact, but questions of right, if any should be incident. This is the order of the house below on the floor, the same that is used daily in the higher house. Upon the two sides of the house, east and west, there arose a stage of eleven ranks of forms, the highest almost touching the roof; every one of these forms went from the one end of the room to the other, and contained about forty men; the two highest were divided from the rest by a rail, and a rail at every end cut off some seats. The gentlemen of the lower house sat within the rails, others without. All the doors were kept very straitly with guards. We always behoved to be there a little after five in the morning. Lord Willoughby, Earl of Lindsey, lord chamberlain of England, (Pembroke is chamberlain of the court,) ordered the house with great difficulty. James Maxwell, black rod, was great usher; a number of other servants, gentlemen, and knights assisted: by favour we got within the rail, among the commons. The house was full daily before seven; against eight, the Earl of Strafford came in his barge from the Tower, attended with the lieutenant, and a guard of musqueteers and halbardiers. The lords, in their robes, were set about eight. The king was usually half an hour before them. He came not into his throne, for that would have marred the action; for it is the order of England, when the king appears, he speaks what he will, but no other speaks in his presence. At the back of the throne were two rooms on the two sides. In the one, Duke de Vanden, Duke de Valler, and other French nobles sat; in the other, the king, queen, princess Mary, the prince elector, and some court ladies. The tirlies[1] that made them secret, the king brake down with his own hands; so they sat in the eyes of all; but little more regarded than if they had been absent; for the lords sat all covered. Those of the lower house, and all other, except the French noblemen, sat discovered when the lords came, not else. A number of ladies were in boxes, above the rails, for which they paid much money. It was daily the most glorious assembly the isle could afford; yet the gravity not such as I expected. Oft great clamour without, about the doors. In the intervals, while Strafford was making ready for answers, the lords got always to their feet, walked and chatted; the lower house men too loud chatting. After ten, much public eating, not only of confections, but of flesh and bread; bottles of beer and wine going thick from mouth to mouth without cups; and all this in the king's eye; yea, many but turned their back, and let water go through the forms they sat on. There was no outgoing to return; and oft the sitting was till two, three, or four o'clock at night."—Baillie's *Letters*, I. 257.

The 22d and 23d March were employed in hearing the articles and Lord Strafford's defence. Upon the 24th, Maynard, a principal manager of the prosecution, summed up the charge in the following manner.

My Lords,

I shall repeat little of that which hath bin said, onely this: That whereas my lord of Strafford did answer to many particulars, yet he did not answer to that which was particularly objected against him; that is, you were to heare the complaints of the whole kingdome: now the particular of our ayme is to take off the vizard which my lord hath put on, wherein the truth and honour which is due to his majesty, he would attribute to himselfe.

My lords, there is one thing which I desire your lordships to remember, it being the maine of our complaints:

The alteration of the face of government, and traduceing of his owne lawes; and this is the burthen upon all the lords and commons of Ireland. Concerning the breach of parliament, he would put it on sir George Ratcliffe; but I'me sure he cannot put off himselfe; for sir George Ratcliffe was not the man alone, but others joined with him

[1] *i. e.* Wire grating.

in that assembly, and I am sure my lord of Strafford moved it for the breach of parliament.

I shall addresse myselfe to the body of his answer. Now give me leave, my lords, that I may open the nature of this great offence.

My lords, it is a charge of treason, which is a treason not ended or expired by one single act, but a trade envied by this lord of Strafford, ever since the kings favour hath bin bestowed upon him.

My lords, it hath two parts: to deprive us that which was good; and, secondly, to bring in a tyrannicall government. It takes away the lawes of the land, and it hath an arbitrary government, bounded by no law, but what my lord of Strafford pleaseth.

It is the law, my lords, which we reverence, and cheerfully render to our gracious soveraigne. The law, as it is the ground of our liberty, so it is the distribution of justice.

My lords, in all this, my lord of Strafford hath endeavoured to make them uncapable of any benefit. It is true, my lords, that treason against the person of a prince is high treason, and the highest treason that can be to man, but it falls short of this treason against the state.

When blessed King James was taken to heaven, he commended the lawes to his sonne, our gracious soveraigne; but, my lords, if such a designe as this should take effect, that the law of justice should be taken from the throne, we are without hope of ever seeing happy dayes; power is not so easily laid downe, unlesse it bee by so good and just a prince as we have.

My lord of Straffords accusation is conveyed into twenty-eight articles, and I shall but touch the heads that wee shall insist upon; and I thinke the best way to this, is to consider what he did before he went into Ireland, what then, and what since.

He hath encroached jurisdiction where none was, taking upon him a power to repell the lawes, and to make new lawes, and in domineering over the lives and goods, and whatever else was the subjects.

My lords, this hee hath not done onely upone the meaner sort, but upon the peeres and auntient nobilitie; and what may your lordships expect but the same measure at his hands here, as they have found there: when hee committed any to prison, if a *habeas corpus* were granted, the officers must not obey, and if any fine were put upon the officer for refusing them, there was a command that he should bee discharged; so that he did not onely take power to himselfe, but the scepter of justice out of the kings hand.

When he was a member of the house of commons, it was his owne motion, all ministers of state should serve the king, according to the lawes which hee hath broken himselfe.

He doth as much as say, that fines shall not bee paid by officers, if in this they fulfill his commands, but those that release a prisoner upon a *habeas corpus*, shall finde his displeasure.

My lords, if this had beene a single act, we should not have accused him of high treason; but this hath been his common course; and this we present to your lordships consideration.

The next thing is, that in the north the people attending for justice, you shall see what a dishonor he flung upon the sacred majestie of the king, that did advance him: some of the justices (saith he) are all for law, but they shall find that the kings little finger is heavier than the loynes of the law.

My lords, what a sad speech was this, and what sad accidents happened upon it, you all know; and he said in a solemne speeche, that Ireland was a conquered nation, and that the king might doe with them what he would; their charters were nothing worth; they did bind the king no longer than he pleased. Surely you may see what he would

doe if he had power; but we hope never such counsell shall have acceptation in so gracious an eare as our soveraignes; and he doth not stay in words, but proceeds to actions: when a peere of the kingdome was expelled the kingdome for suing at law for recovering of his right, he saith, hee would have Ireland know, that neither law nor lawyers should question any thing that hee ordered.

My lords, hee goes higher, for when there was an occasion to speake of an act of state, he said it should be as binding as an act of parliament.

My lords, he cannot goe higher then this he tells them in parliament; they were a conquered nation, and they must expect the usage of a conquered nation.

The lord Mountnorris, for a few words that fell from his mouth, spoken privatly at his table, had a counsell of warre called against him, and was judged to death.

My lords, it is no marvaile that hee saie, that the kings little finger should be so heavy, when his little toe was so heavy to tread downe a peere under his foote.

My lords, hee makes lawes of himselfe, and hee makes a difference in matters of justice betweene the poore and the rich; but when hee hath executed his power upon the poore, he will fall upon the rich.

My lords, he hath made that which was worth but five shillings to be valued at twenty, and, my lords, by this he doth in effect take away what ere this commodity is worth: he saith, he doth it for the kings gaine, but we shall make it appeare that the crowne hath lost, and hee hath gained.

And for the commodity of flax, my lords, it is but a womans commodity, but yet it is the staple commodity of Ireland.

Now, my lords, this commodity he hath gotten wholly into his owne hands, for he made such a proclamation, that it should be used in such wayes as the women could not doe it, and if it were not used in such wayes, that it should be seized upon. No, he doth not onely put impositions upon the subject, but take away the goods too, and thus he hath levyed warre against the kings subjects; and this is his course, that if a decree were made by him and not obeyed, there issued a warrant to souldiers, that they should make garrison, and that they should goe to the houses of those that were pretended to be disobedient.

My lords, they have killed their sheep and their oxen, and bound their horses, and tooke them captives till they have rendered obedience, which is expressely contrary to law; for it saith, if any man set horse or foote upon the kings subjects in a military way, it is high treason.

My lords, it doth not onely oppresse them in their estates, but provoke and incite his majestie to lay downe his mercy and goodnesse, and to fall into an offensive warre against his subjects, and say, they are rebels and traytors.

Hee tells his counsell, that the parliament has forsaken the king, and the king having tryed the parliament, hee might use other wayes to procure money to supply his necessities

My lords, the same day that the parliament was broken, he tells the king, he had 8000 foote and 1000 horse, to reduce this kingdome to obedience.

My lords, consider in what a sad time this man tooke to infuse this sad counsell into the kings eare.

My lords, he doth advise the king, that he was absolved from all rules of government; but if no rule of government, what rule of obedience? surely he meant to reduce us to a chaos and confusion, &c., would have us without all government or obedience.

My lords, those that he would have brought to reduce us were papists, enemies of our religion. This strikes us neere, my lords, and is the griefe of our hearts, that an Irish army should be brought into England to reduce us.

My lords, I hope wee were nere so far gone, as to need an army to reduce us to obedience.

My lords, he had raised this army, and if such counsell should have taken effect in his majesties eare, he, like proud Haman, would have thought to have been generall of the army.

And thus, my lords, you see this lord of Strafford fals upon a counsell, which might move an irreconciliable difference to subdue us by his power.

The Conclusion of the Earle of Straffords Defence; the Twelfth of Aprill, 1641.

Printed in the Yeare 1641.

" If Strafford's apology was, in the main, so satisfactory when he pleaded to each particular article of the charge, his victory was still more decisive when he brought the whole together, and repelled the charge of treason; the crime which the commons would infer from the full view of his conduct and behaviour. Of all species of guilt, the law of England had, with the most scrupulous exactness, defined that of treason; because on that side it was found most necessary to protect the subject from the violence of the king and of his ministers. In the famous statute of Edward III., all the kinds of treason are enumerated, and every other crime, besides such as are expressly mentioned, is carefully excluded from that appellation. But with regard to this guilt, 'An endeavour to subvert the fundamental laws,' the statute of treasons is totally silent; and arbitrarily to introduce it into the fatal catalogue, is a subversion of all law; and, under colour of defending liberty, reverses a statute the best calculated for the security of liberty that had ever been enacted by an English parliament.

" As this species of treason, discovered by the commons, is entirely new and unknown to the laws; so is the species of proof by which they pretend to fix that guilt upon the prisoner. They have invented a kind of accumulative or constructive evidence, by which many actions, either totally innocent of themselves, or criminal in a much inferior degree, shall, when united, amount to treason, and subject the person to the highest penalties inflicted by the law. A hasty and unguarded word, a rash and passionate action, assisted by the malevolent fancy of the accuser, and tortured by doubtful constructions, is transmuted into the deepest guilt; and the lives and fortunes of the whole nation, no longer protected by justice, are subjected to arbitrary will and pleasure."—HUME's *History of England, ad annum* 1641.

Whitlocke says, on the same occasion, " Certainly never any man acted such a part, on such a theatre, with more wisdom, constancy, and eloquence, with greater reason, judgment, and temper, and with a better grace on all his words and gestures, than this great and excellent person did; and he moved the hearts of all his auditors (some few excepted) to remorse and pity." —*Memorials,* p. 43.

My lords, there yet remaines another treason that I should be guilty of; the indeavouring to subvert the fundamentall lawes of the land, that they should now be treason together, that is not treason in any one part of treason accumulative, that so, when all will not doe, it is woven up with others, it should seeme very strange.

Under favour, my lords, I doe not conceive that there is either statute law, nor common law, that doth declare the endeavouring to subvert the fundamentall lawes to be high treason.

For neither statute law, nor common law written, that ever I could heare of, declareth it so.

And yet I have been diligent to enquire, (as I beleeve you think it doth concerne me to doe.)

It is hard to be questioned for life and honour, upon a law that cannot be showne.

There is a rule which I have learned from sir Edward Cooke, *de non apparentibus et non existentibus eadem ratio.* (Jesu,) where hath this fire laine all this while, so many hundreds of yeares, without any smoake to discover it, till it thus burst forth to consume me and my children? extreame hard in my opinion, that punishment should precede promulgation of a law, punished by a law subsequent to the acts done.

Take it into your considerations, for certainly it is better to be under no law at all but the will of men, then to conforme ourselves under the protection of a law, as we thinke, and then be punished for a crime that doth precede that law: what man can be safe, if that be once admitted?

My lords, it is hard, in another respect, that there should be no token set upon this offence, by which we should know it, no admonition by which we should be awarre of it.

If a man passe downe the Thames in a boat, and it be split upon an anchor, and a boye being set as a token that there is an anchor there, that party that ownes the anchor, by the maritime lawes, shall give satisfaction for the damage done; but if it were marked out, I must come upon my owne perill.

Now where is the marke upon this crime, where is the token that this is high treason?

If it be under water, and not above water, no humane providence can availe, nor prevent my destruction.

Lay aside all humane wisdome, and let us rest upon divine revelation, if you will condemne before you forwarne of the danger.

Oh, my lords, may your lordships be pleased to give that regard unto the peerage of England, as never to suffer our selves to be put on those nice points, upon such constructive interpretations, and these are where lawes are not cleare or knowne; if there must be a tryall of wits, I doe most humbly beseech you, the subject and matter may be in somewhat else than the lives and honours of peeres.

My lords, wee finde that in the primitive times, in the progression of the plaine doctrine of the apostles, they brought the bookes of curious arts, and burned them. And so likewise, as I doe conceive, it will be wisdome and providence in your lordships, for your posteritie, and the whole kingdome, to cast from you into the fire these bloudy and most mysterious volumes of constructive and arbitrary treason, and to betake your selves to the plaine letter of the law and statute, that telleth us where the crime is, and by telling what is, and what is not, shewes how to avoid it. And let us not be ambitious to be more wise and learned in the killing arts then our forefathers were.

It is now full 200. and 40. yeares since ever any man was touched for this alleadged crime, (to this height,) before my selfe: we have lived happily to our selves at home, and wee have lived gloriously to the world abroad.

Let us rest contented with that which our fathers left us, and not awake those sleepy lyons to our owne destructions, by taking up a few musty records, that have layen so many ages by the walls, quite forgotten and neglected.

May your lordships be nobly pleased to adde this to those other misfortunes befallen me for my sinnes, not for my treasons: that a precedent should not be derived from me of that disadvantage, (as this will be in the consequent to the whole kingdome,) I beseech you seriously to consider it, and let not my particular case be so looked on as you doe; though you wound me in my interest in the common-wealth; and therefore those gentlemen say, that they speake for the common-wealth; yet in this

particular I indeed speake for it, and the inconveniences and mischiefes that will heavily fall upon us; for as it is in the 1. of Henry the Fourth, no man will after know what to doe or say for feare.

Doe not put (my lords) so great difficulties upon the ministers of state, that men of wisedome, honour, and vertue, may not with chearefulnesse and safety be imployed for the publique: if you weigh and measure them by graines and scruples, the publike affaires of the kingdome will be laid waste, and no man will meddle with them, that hath honours, issues, or any fortunes to lose.

My lords, I have now troubled you longer then I should have done: were it not for the interest of those deare pledges, a saint in heaven hath left me, I should be loath my lords.[1] (There he stopped.)

What I forfeit for my selfe it is nothing, but that my indiscretion should forfeit for my child, it even woundeth me deepe to the very soule.

You will pardon my infirmitie; something I should have said, but I am not able, (and sighed,) therefore let it passe.

And now, my lords, I have been, by the blessing of Almighty God, taught that the afflictions of this life present, are not to be compared to the eternall weight of glory that shall be revealed to us hereafter.

And so, my lords, even so with tranquility of mind, I doe submit my selfe freely and clearely to your lordships judgement, and whether that righteous judgement shall be to life or death,

Te Deum laudamus, te dominum
confitemur.

In Answer to the Earl of Strafford's Oration, April 13, 1641.

Printed in the Year 1641.

With your lordships favour,

If the subversion of the fundamentalls of faith be heresie, why not as well the subversion of the fundamentall lawes, treason? Shall it be treason to destroy the king's minister? and shall that be none that destroyes his protector? For the law protects the king, as well as the king the laws; and if laws did not subsiduate princes, kingdoms would totter as foundationlesse: nay, they are indeed the very subsistance of kings.

[1] The following passage is quoted to shew the invidious and odious scandals which were thrown upon Strafford, to blunt the feelings which were excited by his excellent and eloquent defence. "To all he repeated not new, but the best of his former answers; and in the end, after some lashness and fagging, he made such a pathetic oration, for an half hour, as ever commedian did upon a stage. The matter and expression was exceedingly brave: doubtless, if he had grace and civil goodness, he is a most eloquent man. One passage is most spoken of; his breaking off in weeping and silence when he spoke of his first wife. Some took it for a true defect in his memory: others, and the most part, for a notable part of his rhetorick: some, that true grief and remorse at that remembrance had stopt his mouth; for they say that his first lady, the earl of Clare's sister, being with child, and finding one of his whore's letters, brought it to him, and chiding him therefor, he struck her on the breast, whereof shortly she died."—Baillie's *Letters*, I, p. 291. Sir George Ratcliffe has not only cleared the earl's memory from the charge of incontinence, but celebrates him as a model of domestic virtues, and conjugal affection.

Let it be supposed, though not granted, that no one particular make it treason, may not many and successive acts amount it to that height? One graine of poison is not mortall, but many together are. Exportation of sheep for once is but a trespasse, but acted a second time is felony by statute. Refusall of the oath of supremacy is at first not capital; but refused againe, by statute is made treason. And to my weak understanding, my lords, this clearly shews the mind of the law: one ill act of waving the law, may be but out of rashnesse, out of ignorance; but a perpetuated practice shewes a prepensed malice, and murther thus acted by the 10. Hen. 7. in Ireland, is treason.

Be it there be no statute or common law in expresse to make it so, yet necessary inferences, if they be not certainties, are next them; and if the deputed judge or governour hath power in the businesse of the subject, to make the sway arbitrary, where law is positive, I know not but he may do the same in the businesse of the soveraigne; so it may come to pull the soveraignety from the prince, and place it on his substitute; and whether this be treason or no, I leave to your lordships consideration.

It is true, *de non apparentibus, et non existentibus, eadem est ratio,* but, my lords, to make this treason, is not unapparent: a partiall eye will not find it, but he that lookes, *intuitu serio,* may see even the triple gerion of treason in it; for it cannot be but there is *læsa respub. lex, majestas,* the commonwealth is oppressed, the laws are suprest, the prince is scandal'd in act, and subjected by consequence to his denious determinations: and therefore I shall without admiration tell you where this fire hath layen those hundred of years he speaketh of; even (my lords) in the honester behaviour of other ministers of state, who have not been injurious against the laws, and there still had it been buried, if his own nefarious actions had not un-embred it, and fuel'd it anew.

Nor can your sentence be before promulgation, since even your renowned progenitors have already declared it treason; though not by a particular statute in terms, yet by a demonstrative practice, which, if his lordship would not have been willingly blind, had been buoy enough to keep him from that anchor of us all, which now must either hurt itself, or else split him; the parliament, whose courses left upon record cannot be taken for under-water works; so that a very easy honesty and common morallity (without revelation) might have served as the red crosse and the bill, to have warned him from this plague of legicide.

I shall beg as hard as his lordship, that you have regard to yourselves; for if upon him (by whose authority peers shall be sentenced to be shot, nobles curb'd and coop'd up, laws subverted, freehold disposed of out of the courts, grants under the royal seale extrajudicially disanul'd, and what may be profit of, monopoliz'd,) you set not some everlasting character, to deter the like frontlesse attempts, I know not but the next comer may subjugate your dearest freedoms, and as remedilesse you may then complaine, as those who now do suffer, and have not yet found a redresse.

My lords, under favour, your providence may be short, if it reach but to burning of books; a fire of dead leaves will be too weake a fuell for a warning beacon; a living author made examplary will afford a taller flame; and if there were no other law, that of retaliation could not but be just; an arbitrary sentence were but plowing with his own heyfer; who striving to seclude the laws, would infer a kind of legall tyranny, from a breast that is a libertine. And therefore, your lordships, I perswade myselfe, will think it mightily fit to cast this Jonas overboard, who hath occasioned all these storms, indangered all the sacred ship of government, and by flying the plain speaking law, has dar'd by his imperious vote to outgoe even all the bold attempts of ancestry.

It is some comfort to us, that in two hundred and forty years, we have had no use of these venerable (though by him reviled for musty) records. The commonwealth has had the fewer enemies. And if they worke now but a merited operation, I hope it may be five hundred yeares ere any of so bold a brow shall desperately again adventure to awake them.

And if his lordship be not made a precedent for punishment, I know not but he may prove a precedent for example, to animate others of a vafrous and presuming braine, to take up the same way from a pleasurable bosome, to doome both nobles and the commons into a state of deep calamity. And so your lordships lenity to him, may by indulgence wound a future multitude. His many crimes, which you have heard fully proved, will immortalize your peerage for a noble justice. The learned orator has antiently told us, that *non potest cuiquam male de repub. merenti, justa esse causa.* And though it be severe, it cannot be unrighteous, for *hoc spectant leges, hoc volunt; incolumem esse civium conjunctionem, quam qui dirimunt, eos morte, exilio, vinculis, damno, coercent.*

Thus every man will know what channell to steer in, what rocks to avoid, what he is not to do, what he is not to say, for fear of meeting such pains.

Thus men of honest wisdome will be cautious of keeping in the plain road of the law, and never hazard (by crossing through untroden thickets) either honour, issue, or fortune, to a losse. What his majesty may graciously intend to the pledge of his sainct, will rest in his most royal heart: though I hope the want of a midwife did not make her one, nor his marriage within a month after her decease, did ere make him account her so.

And now (my lords) we shall humbly expect your honourable judgements, beseeching you will be nobly pleased to defend those laws which have ever defended you, to have respect to your own future liberty, and the safety of these flourishing kingdoms: then whatever your sentence be,

Te Deum laudamus cantemus Jehovæ, clangamus te Deum confitemur.
Rupibus, salutis nostræ.

The Bill of Attainder that passed against Thomas Earl of Strafford. Printed in the Year 1641.

The irrefragable arguments of the Earl of Strafford must necessarily have led to his acquittal, had his enemies been less powerful, or less inveterate. But as they were unable to bring the accusation against him under any existing law of treason, the House of Commons resolved to take the matter into their own cognizance, and declare his guilt by a bill of attainder. The pleadings were no sooner finished, than the following bill was brought into the house. "The bill was received with wonderful alacrity, and immediately read the first and the second time, and so committed: which was not usual in parliaments, except in matters of great concernment and conveniency in the particular, or of little importance or moment in the general. Those who at first consented, upon slight occasion, to his commitment, upon no other reason, but (as hath been said before) because they were only to accuse and the lords to judge, and so thought to be troubled no more with it, being now as ready to judge as they had been to accuse; finding some new reasons to satisfy themselves, of which one was, they had gone too far to sit still and retire." *Clarendon's History*, 1702, fol. I, 179.

Whereas the knights, citizens, and burgesses of the house of commons in this present parliament assembled, have, in the name of themselves, and all the commons of England, impeached Thomas Earl of Strafford of high treason, for endeavouring to sub-

vert the ancient and fundamental laws and government of his majesty's realms of England and Ireland, and to introduce an arbitrary and tyrannical government, against law in the said kingdoms; and for exercising a tyrannous and exorbitant power over and against the laws of the said kingdoms, over the liberties, estates, and lives of his majesty's subjects; and likewise for having, by his own authority, commanded the laying and assessing of soldiers upon his majesty's subjects in Ireland, against their consents, to compel them to obey his unlawful commands and orders, made upon paper petitions, in causes between party and party, which accordingly was executed upon divers of his majesty's subjects, in a warlike manner, within the said realm of Ireland; and, in so doing, did levy war against the king's majesty, and his liege people in that kingdom: And also, for that he, upon the unhappy dissolution of the last parliament, did slander the house of commons to his majesty, and did counsel and advise his majesty, that he was loose and absolved from rules of government, and that he had an army in Ireland, which he might employ to reduce this kingdom; for which he deserves to undergo the pains and forfeitures of high treason.

And the said earl hath been also an incendiary of the wars between the two kingdoms of England and Scotland: All which offences have been sufficiently proved against the said earl upon his impeachment.

Be it therefore enacted, by the king's most excellent majesty, and by the lords and commons in this present parliament assembled, and by authority of the same, that the said earl of Strafford, for the heinous crimes and offences aforesaid, stand and be adjudged and attainted of high treason, and shall suffer the pain of death, and incur the forfeitures of his goods and chattels, lands, tenements, and hereditaments, of any estate of freehold or inheritance, in the said kingdoms of England and Ireland, which the said earl, or any other to his use, or in trust for him, have or had, the day of the first sitting of this present parliament, or at any time since.

Provided, that no judge or judges, justice or justices whatsoever, shall adjudge or interpret any act or thing to be treason, nor hear or determine any treason, nor in any other manner than he or they should or ought to have done before the making of this act, and as if this act had never been had or made. Saving always unto all and singular persons and bodies politic and corporal, their heirs and successors, others than the said earl and his heirs, and such as claim by, from, or under him, all such right, title, and interest, of, in, and to all and singular such of the said lands, tenements, and hereditaments, as he, they, or any of them, had before the first day of this parliament, any thing herein contained to the contrary notwithstanding.

Provided, that the passage of this present act, and his majesty's assent thereunto, shall not be any determination of this present sessions of parliament, but that this sessions of parliament, and all bills and matters whatsoever depending in parliament, and all statutes and acts of parliament, which have their continuance until the end of this present session of parliament, shall remain, continue, and be in full force, as if this act had not been.

A Declaration, shewing the Necessity of the Earle of Strafford's Suffering.

Printed in the Year 1641.

This and the following tract are specimens of the arts used to keep the public mind in a state of irritability on the subject of the unfortunate Earl of Strafford, and to teach them to look to his death, as the only circumstance which could restore tranquillity to the realm.

Sir,

To give you my advice why it is likely and most probable, I will give my reason: as causes produce effects; elevation and near approach of the sun argueth spring; greenness and flowers declare summer; throwes are antecedents of nativity; clouds portend raine; and laying the cloath a preparation for dinner; he, the earle of Strafford's escape of punishment, must of necessity raise a lamentable storme in our calme, as invading our liberties, shipwracking property of goods, causing punishment upon his impeachers, so that the triennial parliament will be of no such force as is expected; for besides it will encourage others to do the like insolencies, oppressions, extortions, outrages, and tyrannies, it will undoe our state: consider we therefore his physiognomy, posture of person, proud carriage, and insolent behaviour, it may easily foretell the future, as falling leaves winter; for his palled colour sheweth revenge; his sower face, cruelty; his stooping and looking to the earth, avarice; his gate, pride; and his demeanour, insolency;[1] for revenge is odious in greatnesse; cruelty abominable in governours; avarice hateful to God and man, as appears by his sole ingrossing commodities in Ireland; and therefore he will be *homo hominibus lupus,* proud in magistracy, insolent in supreame place, which will breed contempt, contempt impatience, impatience fury, fury rebellion, and rebellion ruine of king and people; for he hath been so invested by the devil in all deeds, as he can be changed no more then the leopard from spots, or the negro from blackness, and who shall undertake to alter him, laboureth in vaine.

The Duke of Ireland, Michael de la Poole, and his confederates, caused the breaking of the parliament, when the parliament had made the Duke of Gloucester and other commissioners to reform abuses, which were a mighty pressure then; but those monsters made all those faithfull ministers of state conspirators against king Richard the Second and his prerogative, though these caterpillars were delinquents, and laboured the demolition and overthrow of the whole estate; wherefore it hath been a rule, that an ill instrument hath always been made incapable of government, and can be of no use for the *postea;* such always have brought an *ad quod dammum* to the prince, and mischiefe to the commonwealth; for he is as subtle as Lewis the Eleventh, libidinous as Tiberius, cruell as Nero, covetous as rich Cressus, as terrible as Phalaris, and mischievous as Sejanus, and

[1] "This noble earl was in person of a tall stature, something inclining to stooping in his shoulders, his hair black and thick, which he wore short, his countenance of a grave, well-composed symmetry, and good features, only in his forehead he expressed more severity than affability, yet a very courteous person."—Rushworth's *Trial of Strafford,* p. 772.

at the same end may he arrive. I will never believe but he aimes at monarchy whose actions spin threads of empire not easy to be numbred, and therefore is worthy of no compassion of king or parliament: for this cause there is no more worthy subject of ruine then the acquests of his manifold deeds: now the deer which escapes the toil is more manish, the mad bull wounded, and let loose, doth more mischief, so if the earle shall get out of the net, he will be more savage then before, like as the Duke of Ireland persecuted the patriots of the commonwealth: for revenge in cold bloud is more dangerous than in passion, like the mastive worried returns with others to kill.

Consider therefore his wicked facts, in the frontispiece of which, his setting enmity between the two nations England and Scotland, brothers and subjects to one soveraigne; his exercising regall authority in Ireland, in impoverishing that kingdome; fining, imprisoning, causing divers to die, putting out hundreds from their estates by force and armes, starving others for want of flax and materials, imposing new oathes against law, and finally breaking up the last parliament: all which are high treason, and are so adjudged in the case of the Duke of Ireland and his confederates, in the 6th of Richard the Second.

Certainly by these barbarous actions he hath caused the subjects of England, Scotland, and Ireland, to murmure against the diadem; for the highest treason of all is to cause the throne to be despised, the power neglected, and his subjects to rebell; which in all ages hath been held (by civill and common law) a most abominable *damnum majestatis*, worse then hurt of majesty; for if Otho Grandorser, for making division between the Palatine of Rhene and his mother, lost his tongue and eyes, much more, causing subjects to rebell (members of the same heads) ought to be losse of life: the kings regal power hath been obstructed and intercepted, eclipsing the shining throne; it could not command their affections, purses, nor cause them to fight against the Scots, whom they thought honest and good subjects: and not to insist upon one fact, hath not he caused men to be shot to death and executed? So Alvaro de Lun, for such pride, in causing a gentleman of Spaine to have his necke broke out of a window, because he spake ill of him, was executed, though a great favourite, and upon this reason, that it procured the hatred of the people against the king.

It is no answer to alledge that he did it by a councell of war, for it hath no power in peaceable times, where the quarrell is for the subjects right and religion, which the prince cannot, nor ought divorce them from; yea some of them have been sacrificed to appease the people, though haply not guilty of death; as Commodus the emperor caused Cleandor to die to appease the multitude, which emperor was much commended by the historians of that time: for that wicked instruments of state have no bridle but feare of punishment; for which cause the inventors of gabells, impositions, and such like, have been rewarded with death; hath not he impoverished the subjects of Ireland, and the county of Yorke? it is most certain he hath; his ambitious mind hath caused him to oppresse Ireland, as Sejanus the Roman monarchie, who received his demerits, a shamefull death; his avarice in a subject hath undone the merchants of Ireland, and oppression of subjects by subjects deserveth death: and to say the truth, this man is greater than his ancestors, lesse then his thoughts; which like a whirlewind hath carried him to so abominable courses as hath been brought to passe; man cannot receive, nor fortune give more; if she had not made him a king, it was because she esteemed it a lesse thing to make him a head of an empire, then give the head of monarchie to the prey of one; health, wit, riches, greatnesse, and honour, are gifts impoverish the foundresse, if, after the gift, her avarice did not retake them.

There was only the Duke of Ireland had so absolute a power in Ireland as he. The first laboured to be absolute Duke of Ireland, and so will this, if he be not cut off in his career: for as others then, so the papists now, (who are the greater part of Ireland,) would, if it were in their power, make him a king: wherefore it appears neces-

sary, that he should have condigne punishment; for wickednesse unpunished diminisheth not, but increaseth force; the physicke which this parliament should administer to the sick state of the commonwealth, is seasonable; for nothing is more dangerous in the beginning of feavers then not to let bloud, and it is mortall in gangrenes not to cut off a member: the house of commons hath voted him a traytor, the grand jury of the kingdome, as hath been said in other parliaments; and shall he go unpunished? (God forbid!) likewise he hath had a most honourable triall before the three estates, with divers testimonies upon the severall articles, convinced with proofs; therefore the lords, by the earl marshall, ought, as in to her parliaments, to give sentence; for it appears by the 25th of Edw. III. cap. 2. that the parliament only hath power to expresse and declare what is treason, and to sentence it in cases not specified by the aforesaid statute: the words are these:

That if any other case, supposed treason, not above specified, shall happen before the judges, they shall tarry till the parliament come, before they give sentence, that the cause be declared before the king and parliament, whether it ought to be adjuged treason or fellony; and this statute is perpetuall, no probationer; though in the statute of 33. Henry VIII. cap. 10. the judges have power to attaint by a jury, in cases expressed aforesaid, by which the attainted forfeits all his lands to the king, who shall be in actuall and reall possession of the same lands, tenements, hereditaments, uses, goods, chattells, as if the attainder had been by authority of parliament; and so it is reported by Cooke and Dyer; and in a parliament in Henry the Sixth's time, all the judges of England were of the same opinion, when Thorpe, speaker of the house of commons, in an adjournment of six weeks, was imprisoned; and at the recesse of the said parliament, upon complaint of the commons, the fact being censured in the house of commons, and transmitted up to the lords, the lords asked the opinion of the judges, the judges answered they had no power to judge of any act of the house of commons, but were subject to them, and what the house of commons should set down was law; by which it appears plainly, they have power to declare the facts of the Lord Strafford treason, which I humbly submit to the high court of parliament.

And whereas it is observed that all papists speak well of him and his actions, it is very likely, in recompence thereof, he would bring in popery *vi et armis*, having power under his majesty to raise armes, and all for a bulwarke to support his greatnesse, like to that of France.

Now, the cause of God is in our hands, which if you omit, you shall never have the like opportunity to do God and the king good service.

Wherefore, my prayer to God shall be, to open his majesties eyes, to see the danger he and all we are in.

Gloria Deo, Filio, et Spiritui Sancto.

The Earle of Strafford Characterized, in a Letter sent to a Friend in the Countrey, anno Dom. 1641.

Noble Sir,

I am inforced to complain of your impetuous commands, and the taxe you impose on me, (above all the rest of your vassals,) but especially of this, of my lord of Straffords; as though I alone were inspired with an illumination beyond the wisdome of the parliament, which on so long consultation hath not yet determined the articulate point of

your question; yet thus much I shall positively deliver as a part of my belief: that howsoever my lord of Strafford be cryed up for a most incomparable and accomplished instrument of state, yet he is humane, and subject to such infirmities as were incident to our first progenitors, and this is a particular of my faith, not of my opinion.

But if it may satisfie your curiosity to be informed of the generall conceptions, I shall then present you with as various a collection of votes and censures, as there are fancies in the severall factions daily raised by the work of art and time, which qualifieth poyson, molifieth flints, and changeth the face of all things from their first beings and appearances, which have much befriended my lord of Strafford.

But whether his lordship be guilty of high treason, I cannot determine.

Sure it is, many foule things stick upon him by manifest proofs, which neither his finenesse of wit, nor all the fig-leaves in paradise can cover.

True it is, the house of commons stand stiffe to make good their first charges, which are now enforced, and prosecuted to the last article this very day; which, should it not prove treason, on joynt rehearsall of the house, and so adjudged by the lords, it would then seem to me to be a strain of popular furie, rather than the legitimate issue of a court of parliament.

True it is, that before the quarter-part of the accusations were charged on him, he was, by way of prejudication, acquitted by many of both sexes, and favoured not of a few of both houses, and some of his majesties councell, and the papisticall party, his friends and followers, and generally by ladies.

The first reasons are best known unto themselves.

By the second, for respects due to their patron.

By the third, for interests and obligations of dependancie.

By the fourth, (if well considered,) for many feminine and affected considerations: As the naturall pitie and consideration of women, simpathizing with his afflictions, with sadnesse of his aspect, their facilitie with his complacences, their lenity with his patheticall oratorie.

On the other side, there is a rigid, strong, and inflexible partie, that say, if he be not found a traytor, the parliament must make him so, for the interest of the publique.

And so I shall present you with the inclinations of another party, and of no despicable number of accompt, which pretend to have a more soliditie of judgement then to be carried away with private interest, partiall respects, which seem to be touched with the kings and the commons safety, and to be sensible of the commons sufferance.

And these commonly rip up his life and conversation, together with the progresse of his estate and fortunes, and all concluding for his discent and family to be of the noblest and highest ranke of gentry, under the degree of barronage, his patromy so plentifull, as that it equalizes most of the barons of the land, his education noble, and to these of his own acquisition of strong and able naturall parts.

And (if the addage be true, that *multa ex vultu dignoscuntur,)* and though they marke him for a wise and promising face, yet they unhappily observe in him a dark and promiscuous countenance, clouded, unlovely, and presaging an envious and cruell disposition. And this generall quære is made of him.

What was that which he would have had, who (suspition excepted) might have beene a king at home, had not restlesse ambition (habituated in his nature) interrupted the course of his repose, and disordered the many helpes he had, to have lived in plenty, and dyed in felicitie.

But disquited (as all ambition is turbulent,) in his cogitations, and in his first exposition, (agitated by the blasts of his own aspirings,) it is sayd of him, that in his own country, he was transported by the violence of his will to carrie all before him, and, come what would of it, to overthrow all that withstood him.

Of such predominant a pitch he was in his own constellation and propension, which could not rest there, but must break out into a wider extent; for his thoughts soared so high, (as men who knew him well affirmed,) that he held himself injuried by the state, that he came no sooner to the helm.

Whither to come, he journyed thorow a wildernesse of popular acclamations, and affected the dangerous name of fame, of being soveraign protector of the commonwealth.

For which he so much pretended, that in all parliaments he became an other Jacques de Ortinell. And they averre it for truth, that in those times his intimate friends and associates thought it wisedome to shun his conversation, so forward he was in taxing the motions of the king and state.

And (as it is said,) not without a malignant humour, and a repugnant spirit, alwayes withstood the kings profite, and stinted the parliamentary contributions at his own will and pleasure, crossing the designes of state, and infusing, by his stubborn example, a spirit of contradiction in the assemblies of these times, which how fatall they have been to ours I leave to your judgement, and which hath ever since bred an aversion in his majesty towards his people and his parliaments.

An office wherein they say he did farre more mischief than in this for which he stands now arraigned for his life.

And this is the description or abstract of the first part of his life, as he was the minion of the people, which, (they say) he esteems as the folly of his youth.

May you now be pleased to receive something of his second act, as he was a minister of the kings, into whose service, as they say, and I think not untruely, to have purchased and bought from the affections of the people at a higher price than all the pervadoes of Edward the Second, and Richard the Second. For that this onely man hath cost and lost the king and the kingdome more treasure and loyalty than Peirce, Gaveston, and the two Spencers, and the Marquesse of Dublin, did ever cost, their being all put together.

And sure I am, it is the common opinion of the kingdoms that should he be taken out of the hands of justice, and the revenge of the public made frustrate, and the expectations of the three kingdoms disappointed, who hath invaded the whole by the power of his counsels, and the parties by the grievous oppressions of his majesties good people, wheresoever he had to do; they say that his majesties dominions stand in greater danger and hazard than ever, and (as it may fall out) to be of more lamentable consequence than is fit to be expressed.

How fatall may one mans ambition be, and his exorbitant humour work towards thedistraction of a state, which they do thus demonstrate by way of suspition.

First, admitting the king's affections may be disposed, together with the great party which he hath in the upper house, to acquit him and others.

And that thereby the house of commons should hold themselves bound by the interest committed unto them by their countries to make protestations against the lords.

What then may be of a divided body? Secondly, it is questioned whether any future subsidies will be granted, customes and impositions be paid the king, without any insurrection.

Thirdly, whether the Scots will depart the kingdom, [1] and if they should, whether on good cause they may not return when they shall see a division to tend to a fatall confusion, both in the heart of the state and in the body of the kingdom, rather than they will give opportunity to the papists and libertines to come in for a share.

[1] The pleasing and gratifying the brethren of Scotland was always alleged as a strong reason for Strafford's execution. Baillie repeats more than once, "the great *remora* to all matters is the head of Strafford."

Wherefore it is generally concluded, by the best and most impartiall judgements, that there is no proportion between the reddence of a few monstruous and exorbitant members and the generall safety of the king and his kingdoms.

That there is a necessitated policy of my lord of Strafford, the bishop, and some others, should be given up as a just sacrifice to appease the people, and to make a compensation for the injury done to them and the publike.

And thus have you the second act of the great vice-royes progresse, with the opinion of all and the best judgements here about the town, which I finde to be suitable to yours in the country.

Sir John Evelin his Report from the Committee appointed to consider of the Printing of the Lord Digbyes Speech concerning the Bill of Attainder of the Earle of Strafford; whereunto is added, the Order for the Burning the said Speech; written by the Printed Coppie. Printed anno Dom. 1641.

" The bill of attainder in few days passed the house of commons; though some lawyers of great and known learning declared, that there was no ground or colour in law to judge him guilty of high treason, and the Lord Digby, (who had been from the beginning of the committee for the prosecution, and had much more prejudice than kindness to the earl,) in a very pathetical speech, declared, 'That he could not give his consent to the bill, not only for that he was unsatisfied in the matter of law, but for that he was more unsatisfied in the matter of fact;' those words upon which the impeachment was principally grounded, being so far from being proved by two witnesses, that he could not acknowledge it to be by one; since he could not admit Sir Harry Vane to be a competent witness, who, being first examined, denied that the earl said those words; and at his second examination remembered some, and at his third the rest of the words; and thereupon related many circumstances, and made many sharp observations upon what had passed; which none but one of the committee could have done; for which he was presently afterwards questioned in the house, but made his defence so well, and so much to the disadvantage of those who were concerned, that from that time they prosecuted him with an implacable rage and uncharitableness upon all occasions. The bill passed with only fifty-nine dissenting voices, there being near two hundred in the house, and was immediately sent up to the lords, with this addition, 'That the commons would be ready the next day to give their lordships satisfaction on the matter of law, upon what had passed at the trial."—CLARENDON's *History*, I, 182.

The commons began their display of resentment at Lord Digby's opposition by the following order to burn the offensive speech.

Die Martis, 13 July 1641.

Resolved upon the Question,

That the matter of my Lord Digbye's shall be first taken into consideration.

Resolved, &c.

That the Lord Digbye's speech, spoken at the passing of the bill of attainder of the

Earle of Strafford, conteyneth in it matter untrue and scandalous, as they have reference to the proceedings of the committees of the lords house, and to the committees of this house, and to the evidence of the witnesses produced in that cause.

Resolved, &c.

That the publishing that speech by the Lord Digbye, after a vote past in this house upon the said bill, and offence taken to it, and the same questioned in the house, is scandalous to the proceedings of this house, and a crime.

Resolved, &c.

That the publishing and printing of the speech spoken by the Lord Digbye at the passing the bill of attainder of the Earle of Strafford, is scandalous to the proceedings of his majestie and both houses of parliament.

Resolved, &c.

That Sir Lewis Dives, and John Moore, are both delinquents in the publishing and printing of the said speech of the Lord Digbyes.

Resolved, &c.

That Thomas Purslow, the printer of the said speech, is a delinquent in printing of it.

Resolved, &c.

That this booke, thus printed, deserves the brand of this house, and shall be burnt publiquely by the hand of the common hangman.

Resolved, &c.

That those bookes shall be burnt on Friday next, some in the new pallace at Westminster, some in Cheapside, and some in Smythfield. And orders to this purpose are to be sent to the bailiff of Westminster, the sheriffs of London and Middlesex respectively, to see them burnt accordingly; and the stationers and all others are required to bring in the bookes that they may be burnt.

Resolved, &c.

That a committee shall be appointed to prepare these votes that concerne the Lord Digby, to be transmitted to the lords, and to present them so prepared to this house.

Die Martis, 13° *Julij* 1641.

Whereas, on the one-and-twentieth of Aprill last past, there was a speech spoken in the house of commons at the passing of the bill of attainder against Thomas Earle of Strafford, by the Lord Digby, then a member of the said house: the which speech conteyned in it matters untrue and scandalous, as they have reference to the proceedings of the committees of the lords house and this, and to the evidence of the witnesses produced in that cause; and whereas the said speech was published by the Lord Digby after that the said bill of attainder was past by vote in this house, and after that great offence was taken to the said speech, and the same questioned in this house, to the scandall of the proceedings in this house, and since has come forth in print, to the scandall of the proceedings of his majestie and both houses of parliament; it is therefore this day ordered by the said house, that all the said bookes, so printed, shall be publiquely burnt on Friday next, at ten o'clock in the morning; part of them in the new

pallace-yard at Westminster, and the other part of them in Cheapside, and the rest in Smithfield, by the hands of the common hangman. And to this purpose, the bailiffs of Westminster, the sheriffs of London and Middlesex respectively, are hereby required to be assistant to the effectuall execution of this order, and see the said bookes burnt accordingly. And it is also ordered by the said house, that the master and wardens of the company of stationers doe their utmost endeavours to collect all the said bookes into their hands, remaining now dispersed amongst their company, or with others, and forthwith deliver them to one of the sheriffs of London, to be burnt accordingly to this order. And all others who have any of the said bookes in their hands, are hereby required forthwith to deliver them to one of the sheriffs of London, or bailiffe of Westminster, (as they will undergo the displeasure of this house in doing the contrary,) for to be burnt according to this order.

HEN. ELSYNG, *Cler. dom. Com.*

FINIS.

A Printed Paper, cald the Lord Digbies Speech to the Bill of Attainder of the Earle of Strafford. Torne in Pieces, and Blowne Away.

London, Printed by William Jones, 1641.

It would seem that the managers of the prosecution entertained apprehensions even from the very ashes of Lord Digby's speech, which was so contumeliously treated, by the order of the house of commons. The transaction on which Strafford's guilt was made to depend, after his whole conduct had been ransacked to establish a more determinate species of offence, was a blotted paper of notes, said to have been purloined by Henry Vane the younger from his father's cabinet, in which, as explained by verbal evidence, Strafford was stated to have given the following advice to the king, in his privy council: "The question before the council was, offensive or defensive war with the Scots. The king proposes this difficulty; 'But how can I undertake offensive war, if I have no more money.' The answer ascribed to Strafford was in these words: 'Borrow of the city a hundred thousand pounds: go on vigorously to levy ship-money. Your majesty tried the affections of your people; you are absolved and loose from all rules of government, and may do what power will admit. Your majesty, having tried all ways, shall be acquitted before God and man. And you have an army in Ireland, which you may employ to reduce *this* kingdom to obedience; for I am confident the Scots cannot hold out five months.' There followed some counsels of Laud and Cottington, equally violent, with regard to the king's being absolved from all rules of government."—HUME's *History, ad ann.* 1641.

The fandg, that is, the incohærent, selfe-dividing, and selfe-forsaking speech, that endeavours to show how the same man might both condemne and acquite the same man, (the earle of Strafforde,) doth not so much call for the stroke of an hammer to batter it, as a puffe of wind to blow it away; to encounter it with the votes of the two houses of parliament, with the united opinion of the judges, with the learned argument in Westminster hall, (before the committees of both houses,) were to kill a fly with an axe, and to honor, rather then to overthrow it. For certainely the strength of it is onely

great in the kindnesse (that I say not the weaknesse) of the reader, stealing away the affection, not convincing the judgment: if arguments be raised from it, they are such as neede an hospitall, being blinde and lame; if arguments be raised against it, the speech falls before them, like grasse before the mower.

Will you see an argument of this paper, and indeed a paper argument?

If it doth not appeare to him by two testimonyes, that the army of Ireland was to bee brought over to reduce this kingdome, then the earle of Strafford is not guilty of high treason.

Now, doth he beleeve himselfe in this proposition, when he seeth divers other charges of treason besides laide against him; if three or foure treasons bee objected and proved, is it a sufficient cause of cleareing if one be not proved to his mind, and, as he sayes, but by a single testimony, though the other by more? if the authour can not bee drawne to a better beleife by the cordes of reason, I thinke he would certainely be drawne to it by the cordes of a comparison If himselfe were tyed with three or foure cordes, and a friend had freed hym from one, would he tell his friend, let me alone, for I am free enough, though I am bound by the rest; surely I thinke the other cordes (after some stay at least) would perswade him to change his minde, by his inability to change his place.

But faults in this paper doe not goe alone; for is he not willingly blind when he sees not the very clause, of reducing this kingdome by an Irish army manefestly appearing in the former, and as it were looking him in the face? for a former testimony of two witnesses saith, that his majestie is absolved from all rules of government, and may doe what power will admit. Certainly most besides himselfe doe see what power will admit the use of an Irish army, and any other that the same power can purchase or command: so that where hee quarrels for want of an Irish army, hee hath gotten now about his eares, Irish, English, Dutch, &c.

But yet againe he multeplies and is fruitfull in absurdeties. He sayes, that he hath no notion of subverting law treasonable, but onely by force: certainely this argument then will never subvert the law, for it hath no force in it; it is an argument taken onely from his owne ignorance, and runs, or rather halts thus; he knowes no other, therefore there is no other: to frame this right, it should runn thus.

There is no way of subverting the law, but that which I know; but I know no way of subverting the law, but by force. Now, in the first of these is too much knowledge, and in the latter too much ignorance.

But who sayth this? is it some auncient judge or father of the law, that hath swallowed and digested the great volumes of that judicious and weighty profession? or is it the speech of one that lookes more into the courte then the innes off court? I pray behold an engine strongly framed to lift up and overpoyse the trust and beliefe of a whole kingdom in point of law, *a young gentleman knowes it not.*

But if he be not skilfull in common law, he may be somewhat skilfull in common reason, and that may tell him, that if nothing but force can subvert law, then judges cannot subvert law upon the seates of justice; for though they wilfully pronounce judgment contrary to law; stop lawfull defences; and rob the subject of the benifit of law; and let loose the prerogative upon the law to destroy it; except they drive the subjects away from courts of justice by halberds and guns, they may take the law from them by false judgments, denying prohibitions, *habeas corpus*, and all legall remedies, and yet not subvert the law. If this authors estate should be lost by this way of injustice, he may comfort himselfe (and let it be his comfort alone) that it is not lost by subverting the law. O unhappy Tresilian! that thou didst not live in the times when such patronages might have been given thee, for then mightest thou have lived out thy time; since thou couldst not commit treason by subverting the iron lawes, but onely by iron.

And now I am fallen upon Tresilian; I may not forgett this authors argument, to which this Tresilian will give an unhappy conclusion.

He argues thus:

The earle of Straffords practises have beene as high, as tyrannicall, as ever any. But the practises of Tresilian and others have been as high as high treason. Therefore the earle of Straffords practises have beene as high as high treason.

Thus you see how this author, with the helpe of Tresilian, hath pronounced sentence against the earle of Strafford. So that if he had no other judge, this one, thus assisted, would condemne him, when he goes about to save him.

But that is nothing to the purpose, that he is condemned; for though he be condemned, and so condemned, that hee can never be absolved till he be dispatcht into another world, yet this author will not have a hand in this dispatch.

A mercifull inference, and most unsutable to the premises, especially if it come out of the mouth of a judge. Marke how it soundes in such a mouth. I being a judge condemne you as guilty of murther, or of as high a treason as ever any, but I will have no hand in your sentence or dispatch. If judges should ride their circuits and end their assizes in this logicke, granting the premises, and denying the conclusion, were it not most vaine, and a mere mockery of justice? for it were only to find faultes, and not to correct them, and to turne justice into meere wordes. It would shortly make a kingdome a den of theeves, murderers, and traytors, and safe for none to dwell in, no not for those that teach this doctrine, though they may be thought by teaching to deserve it. *Nec enim lex equior ulla, &c.*

Lastly, who can beleeve this mans suspitions rather then Sir Henry Vanes oath upon advised recollection? an oath that gets an addition of beliefe from the speeches going before, (joyntly testifyed by the truely noble earle of Northumberland,) and backt by a memoriall written the same day when the words were spoken: which words, cald venemous by this paper, had their venome from the speaker, not the hearer, and being recorded the same day wherein they were spoken, did arise thereby to such a pregnance of testimony, that it became very great, and might, in a wise mans eye, (be it M. Pym or any other,) looke very neare as big as two.

But though the testimonyes be big, or many, and the charges many also, and the earle of Strafford as high and tyrannicall in practises as ever any, (by this authors confession,) yet he must at once be both condemned and saved; though, in his saving, the votes of both houses be condemned, and the kingdome and law in danger not to be saved.

FINIS.

An Answer to the Lord Digbies Speech in the House of Commons, to the Bill of Attainder of the Earle of Strafford, the 21st. of April, 1641. *Written by occasion of the first Publishing of that Speech of his Lordships; and now Printed in regard of the reprinting of that Speech.*

Printed in the Yeare 1641.

THE interest which every good subject hath in the actions of the king and state, is sufficient to defend him from the imputation of being a busie body in maintaining the justice of them. That, and my desire to doe the Lord Digby service, by endeavoring to give him satisfaction in those scruples which made him differ from his former selfe, have moved me to enter into an examination of the grounds of that change which his lordship hath declared in his speech to the bill of attainder of the Lord Strafford. They are but two.

The first and maine is, the fayling of that in proofe, which induced his lordship to consent, that it was fit the Lord of Strafford should be accused of treason, which was, his advising the king to imploy the army of Ireland to reduce England.

For, admitting the circumstances of Mr Secretary Vanes three severall examinations at the preparatory committee to be the same his lordship hath reported, yet why they should prevaile so much with his lordship, as to work to an utter overthrow of his evidence, as unto the army of Ireland, I must confesse, I therefore cannot comprehend; because all his lordship doth, or would have others inferre thereupon is, "That hee who twise upon oath, with time of recollection, could not remember any thing of such a busines, might well a third time misremember somewhat.

For certainely notes taken by Sir Henry Vane himselfe, of words spoken by the Lord Strafford, either at the time, and upon the place when and where they were uttered, or soone after, when they were fresh in memory, are a stronger confirmation that his remembrance at last fixed upon the point of truth, notwithstanding the long trepidation about it, then the notes of any other counsellor could have beene. And there was a time when his lordship avoweth, that "hee was fortified in his beliefe, by the imagination that the notes hee had beene told of would have proved some other counsellors."

So strong, indeed, to my understanding, that I cannot see how the validity of Mr Secretaries testimony can be in the least degree infringed, without making a great breach into his conscience.

For if I should allow (which I doe not) that there could be no other use of committing those venemous parts of discourses to paper, but to accuse men, and to bring them into danger, certainly it then behooved Mr Secretary to bee very carefull that the notes he tooke were no such disjoynted fragments, as, by falling into other hands, (as it hapned,) might make a great minister of state, and his fellow-counsellor, to bee thought to have said that which was never intended by him.

And if it be true, as I rather beleeve, that Mr Secretaries end in registring that indeed truly venemous advise of the Lord Strafford, was to make sure of his memory, in case hee should ever be called to testifie what had passed at that junto, (which hath also hapned,) it then behoved him, no lesse to consider well what hee put downe in writing, for the support of his memory; and much more to recollect himselfe very well before hee deposed any thing in remembrance of his notes, after the paper was burnt.

And considering his having at first rashly said, that hee could not charge the Lord Strafford with that of the Irish army, it was a great providence of God, that a copy of the paper hee had burned should have beene taken, produced, and attested, in the manner it was, without his having had any hand in any of them. For I doe not know even what I should have thought of Mr Secretaries testimony without this forraine helpe, although with it I think no single testimony can be stronger, and that his had not beene so strong, though hee had at first deposed the same hee did at last, as it is now, notwithstanding his variation, taking in the confirming circumstances from without.

I humbly beseech the Lord Digby, who I see hath a noble and Christian care "not to have any thing driven to an aspertion on Mr Secretary," first to thinke well upon things I have now suggested to his consideration, touching the necessity which in duty lay on Mr Secretary to take heed that there were not a syllable nor title amisse in his notes, and then to tell himselfe what place there is left; for imagining "there might bee a mistake of here for there, or this for that, and that it is probable there was so, since it is confest on all hands, that the debate then was concerning a warre with Scotland." For that there was any such mistake in the copy of his notes, cannot be fancied, without infinite injury to Mr Secretaries sonne, and to that most worthy gentleman Master Pimme, who took the copie with a purpose to make the use hath beene made of it, and who, I heare, have, in generall, but high termes, averred the truth thereof, having both had a sight of the originall, and being both of untainted and undoubted veracity. And that Master Secretary could not so mistake in the making of his memoriall, is very manifest, by the incoherence of the Lord Digbies criticisme with the whole context of the preceding words, viz. "That having tryed the affections of his people, his majestie was loose and absolved from all the rules of government, and was to doe every thing that power would admit; and that his majesty had tryed all wayes, and was refused, and should be acquitted, both with God and man; and that hee had an army in Ireland, which hee might imploy to reduce this kingdome."

For what need was there to make so great a muster of things done in England for the acquitting of his majestie with God and man, towards the employing of the Irish army to reduce the kingdome of Scotland.

And though the primary debate of that day was concerning a warre with Scotland, yet that debate must needs bring in a second, viz. how monies might be raised in England, towards the making of that warre, the parliament having refused to supply his majestie, as the Lord Strafford most wickedly slaundered in the house of commons.

And if, in the Lord Digbies conceit, it were not hard for Mr Secretary to mistake in the manner aforesaid, then why was his lordship so easily engaged to prosecute his accusation of the Lord Strafford of high treason with so much earnestnesse, founding his judgement on a basis that might so easily faile, and which, by the wavering of Mr Secretary in his testimony, hee had cause to feare would faile; nay, which had already actually fayled so farre, that there was no expectance of more then a single testimony fortified with circumstances, some time before his lordship gave over his former fervour?

Or if it should bee admitted, that there is no improbability of such an unlawfull mistake in Mr Secretary Vane, then it cannot be denyed, but that an other counsellor of that junto might as easily have committed the same, or the like errour, in his notes; and allowing me this, I shall then beseech his lordship, without prejudice to Mr Secretary, to give himselfe a good reason, why "that ground of his accusation, that spurre of his prosecution, that basis of his judgement of the earle of Strafford as unto treason, should be quite vanisht away to his understanding," so soone as hee knew the notes were Sir Henry Vanes, which, till that instant, had beene in such force of beliefe

with him, that "had it remained in the same, hee should not have beene tender in the Lord Straffords condemnation." For, in the scales of my weake judgement, there i no such difference in the weight of two counsellors notes, especially those which proved to be Mr Secretary Vanes, having beene at last, though slowly confirmed by his memory upon oath, without helpe of his paper; whereas, those of some other counsellors might have proved inferior in those two great credentiall circumstances, for ought his lordship had then heard, or had reason to imagine.

For it will not helpe his lordship to say, that hee hath expressed himselfe in those wary termes, that to his understanding that ground is "quite vanisht away, as unto treason," toward the legall proofe whereof a single witnesse is no better than none; because no notes could have supplyed the defect of another witnesse, and all the rest of the junto had already, upon their oaths, remembred nothing of this matter. Before his lordship changed his judgement, and for ought hee could know, might have continued to doe so, notwithstanding the production of any of their notes, which they upon their re-examination might also have evaded, as his lordship would these of Mr Secretaries.

So that, upon the whole matter, had this particular of the Irish army beene the sole charge, and proved no otherwise then his lordship imagined it would have beene, that is to say, by Sir Henry Vanes single testimony, without his notes, and some other counsellors notes, without his testimony, I cannot see how his lordship could judiciously have condemned the Lord Strafford of treason, with innocence, according to his principles.

And as for a diffusing of a complexion of treason over all, if that particular had beene sufficiently witnessed, or becomming a with to bind all the scattered and lesser branches, as it were into a faggot of treason, sure the antecedent words are so much more powerfull to that effect, as they are more comprehensive, and they were clearly deposed by my lord the earle of Northumberland, as well as by Sir Henry Vane, though no other of the junto remembred any thing of them neither, which doth take off much of the strangenesse of Mr Secretaries single testimony, and I beleeve hath bin the ground whereupon many a tender conscience hath passed that bill, wherein his lordship was more scrupulous then I can yet find sufficient cause for.

For I crave leave to aske his lordship this question, whether, if some miscreant had been tampering with others to take away the life of the king, and this had beene evidenced by two witnesses, whereof one had deposed, that hee advised the doing of it by poyson, as the surest and safest way, the other denying those words upon oath, should, notwithstanding, have sworn clearely that hee heard him perswade the killing of the king, and giving reasons for the necessity and lawfulnesse thereof, and his lordship had beene one of the jury, whether hee would have made any more bones of condemning that villany, then if they had both agreed in a tale touching the matter of poyson? and if his lordship could have swallowed that difference in their depositions well enough, it may then be a matter worthy of his further enquiry, from what quarter that gnat came, which stuck so fast with his lordship in a case fully paralell; there resting as little doubt in one, that his majesty might lawfully have imployed the Irish army to reduce this kingdome, if he might, and was to have done every thing that power would admit for the raising of monies otherwise, after parliament had not supplyed him, as there would have rested in another, whether he might have poysoned the king, after he had been satisfied that he might have killed him.

The Lord Strafford saw very well, that the knot of the with was in this part of that desperate advise of his, and the Lord Digby may remember the poor shift he made to loose it, by explaining himselfe thus. His majesty "was to doe every thing that power would admit, that is, every thing that power would lawfully admit;" to the doing whereof, I suppose his majesty needed not to be loosed and absolved from all rules of

government. And so for those other words in the end of the 22 article, that his majesty should first try the parliament here, and if that did not supply him according to his occasions, he might then use his prerogative as he pleased, to leavy what he needed, and that he should be acquitted both of God and man, "if he tooke some other courses, though it were against the will of his subjects." And the declaration he made in open counsell, mentioned in the end of the 21 article, that he would serve his majesty "in any other way," in case the parliament did not supply him; "that is, lawfull way, and lawfull courses," said the Lord Strafford, now he found the point of these mischievous words turned upon himselfe. And yet there was a time when no man urged with more vehemencie, that no such prerogative courses to raise monies could be lawfull; and I am sure no lawfull courses at any time would have beene against the wills of any of his majesties subjects.

This was all that the mighty wit of the Lord Strafford could devise in avoydance of the stabbing guilt of that most treacherous and wicked counsell of his. But the Lord Digby helpeth him with many better guards.

First, by professing that he can have no notion of any bodies intent to subvert the lawes treasonably, but by force. What a wide doore hath his lordship in few words set open to the wicked judges and counsellors, to trample the publike liberty of kingdomes and states under foot, and then to escape without punishment, or with lesse then can restraine them, or secure others from their lewd practises. May not their concurrence and constancy in giving such wicked judgements and counsels upon all emergent occasions, be as sure evidences of their intents to subvert the lawes, as the readinesse of sword-men to abet and maintaine them therein? may not a free mighty monarchy be thus, in an age or two, quietly converted into a most slavish and impotent tyrannie, by the pen, and abuse of the sword of justice, without the use of any other on the princes part, if the lawes of the land, and of the religion professed in it, bind the people from drawing their swords in maintenance of their liberty? and shall their obedience to God, and the king, and their lawes, leave them without hope or means of redresse by the same lawes? or what sufficient redresse and reparation can be made then, if the result of a hundred such wicked judgements and counsels shall be onely "a great misdemeanour; and a hundred misdemeanors cannot make a felony, nor a hundred felonies amount to a treason," according to the Lord Straffords position, maintained publikely at his tryall. I wish the Lord Digby had longer ruminated upon his ill-digested judgement in this point, before he put it over for good.

I proceed to the next words. They are: "And this designe of force not appearing, all his other wicked practises cannot amount so high with me." Wherein, if, by this designe, his lordship meane the particular designe of bringing the Irish army into England, then is the consequence most inconsequent. For sure, if the Lord Strafford had not, he might have had some other designe upon this kingdome, that would have amounted to high-treason in the Lord Digbies eye; or if, by this design, his lordship intend generally the designe of using force, then sure it was made plaine enough to his lordship at the tryall, that "the Lord Strafford did more then designe the using of force" to the subversion of more then one of the fundamentall lawes of England and Ireland, having actually levied warre upon the kings liege people, to constraine obedience to his illegall summons and orders upon paper petitions, and to raise moneys upon them against their wills.

But his lordship saith, "Hee can find a more naturall spring from whence to derive those and all his other crimes, then from an intention to bring in tyranny, and to make his owne posterity, as well as ours, slaves; as from revenge, from pride, from avarice, from passion, from insolence of nature." Is it possible that so sharp a wit as the Lord Digbyes, that can so quickly espy the mishap of any argument brought forth against the Lord Strafford, should not see this misconception of his own in his excuse? Shall no

man be a traytor, that can find another more naturall spring from whence to derive his treasonable designes and actions, then from an intent to commit treason? Then the Lord Strafford would not have beene a traytor with the Lord Digby, though hee had brought the Irish army into England, if that action had originally flowed from one of the foresaid springs, as I beleeve it would have done. Then his lordship may absolve many, and I am sure will one of the gun-powder traytors, whose son hath found so much princely compassion and favour from his majestie, and the king his father, upon (I beleeve) a well-grounded opinion, that the fathers designe to have destroyed the king his master, proceeded not from any malicious mind to his sacred person, but was derived from his zeale to his religion, a purer spring then any of those his lordship hath found out to wash the Lord Strafford, which certainly have beene the springs of all the fowlest treasons in the world.

And as for the Lord Straffords respect to his posteritie, since the Lord Digby knoweth (no man better) that we are all deceived with a shew of good in every sinne we are drawne into by him, who (hee thinketh) "gave the Lord Strafford the application of his rare abilities;" and that not only many ministers of state are easily engaged to bee instruments of overthrowing the common-wealth and glory of kingdomes, so they may advance themselves and their families to riches and honour, because that in so doing they imagine they get more in their private fortunes then they lose in their parts of the publike; but even the wisest princes themselves have, by this deceit, been drawne into the same errour, as Philip the Second of Spaine, and Lewis the Eleventh of France, (for an error it was in them, and may bee demonstrated to have been so, as farre as politique matters are capable of demonstration.)

Nay, since the Lord Digby avoweth, that the consideration of his posteritie did not hold the Lord Strafford himselfe from becomming "the grand apostate to the common-wealth, not only in opinions, but by falling from them to practises, as high, as tyrannicall, as any subject ever ventured on, and such as made him the most dangerous minister, the most insupportable to free subjects, that can bee charactered;" I know not why his lordship should esteeme it so sure a preservative against the treason he hath suffered for.

I had almost said justly, and so doth his lordship; "for he doth not say but the Lord Strafford was worthy to dye, and perhaps worthier then many a traytor. He doth not say but his words, counsells, and actions, have beene proved to be such as may direct the king and parliament to enact, that the like shall be treason for the future, but only prayeth God to keepe him from giving judgement of death on any man, or of ruine to his innocent posterity, upon a law made *a posteriori*." So that if his lordship may be freed from this scruple of conscience, there is hope that hee may change his opinion, and be brought, *a posteriori*, to declare his agreeing in judgement with himself, and the so much greater part of the house of commons. And that I shall now hope to doe, by shewing him a fallacy in the second and last ground of his argument.

The fallacy lyeth in this, that his lordship doth divide those things in his consideration which God hath joyned, and in doing this will needs be wiser then the state and lawes hee liveth under, which no man ought to be, unlesse they thwart the law of God. This hee doth, where he saith, "There is in parliament a double power of life and death by bill, a judiciall power, and a legislative; that the measure of the one is what is legally just, of the other what is prudentially and politiquely fit for the good and preservation of the whole; but these may not be confounded in judgement; we may not piece up want of legallity with prudentiall fitnesse."

And truly if his lordship had but added these words, except some case as yet wholly omitted, or not yet sufficiently declared, come to be judged in parliament, I should have fully assented to his whole discourse in this point; but in either of those cases to

deny unto that representative body, the high court of the kingdome, a liberty to doe any thing not unjust in itselfe, (though not as yet legally declared to bee just,) for the preservation of that greater body it represents, when, according to the sincere and dispassionate judgement of prudence and policy, it cannot be sufficiently secured by lawes already made, is neither agreeable to the law of nature, nor of the land, nor of God, nor to a rule of his lordships owne.

Not to the law of nature, which, in any case where the safety of the whole commeth into question, doth not bind itselfe from ordering, in the great world, that light things shall descend, heavy ascend; in the little, that the whole man, upon consultation, shall consent to the cutting off of a gangren'd hand or foot, though the former bee contrary to that common law whereby elementall bodyes are governed in their motions, and the latter against that dictate of nature which inclineth each member to have a compassionate care of the preservation of another, so strongly, that, except in a like case, no part, nor the rest of the whole, may, nor can consent to such a mutilation.

Not to the law of the land, for in that very statute of 25. Edward 3. cap. 2. whereby treasons were first declared, there is a passsage which doth quite overthrow his lordships distinction, and rules squared to his present purpose, as is yet plainer by divers subsequent statutes, if I understand English, and there be no more but that, and a little right reason, requisite to understand statute law, as there ought to bee. I will here transcribe the severall passages, wherein I observe that some or all of the latter statutes are repealed; but that is not materiall to the purpose for which I cite them.

25. Edward 3. cap. 2. And because that many other like cases of treason may happen in time to come, which a man cannot thinke nor declare at this present time; it is accorded, that if any other case, supposed treason, which is not above specified, doth happen before any justices, the justices shall tarry, without going to judgement of the treason, till the case be shewed and declared before the king and his parliament, whether it ought to be judged treason or felony.

21. Richard 2. cap. 3. And that this statute shall extend and hold place as well to them which be judged or attainted for these foure points of the said treason in this present parliament, as of them which shall be judged or attainted in the parliament in time to come of any of the foure points of treason aforesaid.

8. Henry 6. cap. 6. And that this ordinance extend as well to such burnings made after the first day of the raigne of our soveraigne lord the king till this time, as to burnings to be made in time to come.

22. Henry 8. cap. 9. And that the said Richard Roose, for the said murther and poysoning of the said two persons, as is aforesaid, by authority of this present parliament, shall stand and bee attainted of high treason. And because that detestable offence now newly practised and committed, requireth condigne punishment for the same; it is ordained and enacted, by authority of this present parliament, that the said Richard Roose shall therefore be boyled to death. His offence was poysoning a pot of pottage.

By all which I conceive it to be cleere as the noon-day, that the parliaments of England have heretofore, as now, used to looke backward as well as forwards, if the occasion required it; and so, that his lordships distinction hath no ground in the law f the land.

And truly it hath as little in the law of God. For in that we reade, that Moses and Aaron, and all the congregation, to whom the man that was found gathering sticks on the Sabbath day was brought, at first indeed did only put him in ward, because it was not yet declared what should be done to him; but when it was declared, they then stoned that same man to death, for that former fact, by a law made *a posteriori.*

The very same proceeding was held with the sonne of the Israelittish woman, whose father was an Egyptian, for blaspheming or cursing; for he was also stoned to death *a posteriori;* and a generall law declared upon the occasion, that as wel the stranger as

he that is borne in the land, when he blasphemeth the name of the Lord, shall be put to death.

This furnisheth an answer to the objection I have heard made to the former instance, that the gatherer of sticks on the Sabbath was put to death by a special direction from God, which may no more bee drawne into example now, then Abrahams going about to sacrifice his sonne.

For, not to divert into that question, whether that declaration of God Almightie ought to have beene a direction to the Jewes to punish the breach of the Sabbath with death, which, for ought appears, was not so understood by them, unlesse Nehemiahs threatning, Neh. 13. 21. may be taken in that sence; I humbly conceive, that, by the generality of the law, which ordained that blasphemy should be punished with death, it is plaine that the execution of that mungrell Egyptian-Jew, for that sinne, was not extraordinary; and from both those instances, that, by the example of the God of heaven, it is lawful for the assembly of gods on earth to put offenders to death for crimes deserving capitall punishment, though committed before they were declared to bee such. And it may be, so much may also be gathered from that famous place, Deut. 17. 9, 10. which I referre to further consideration.

Lastly, his lordships owne rule, in his speech for the tryenniall parliament, is this: That the king out of parliament hath a limitted, a circumscribed jurisdiction, but waited on by his parliament, no monarch of the east is so absolute in dispelling grievances; for it is well knowne, that if any man, how great soever, doe once become a publique grievance, that is to say, a dangerous and insupportable minister to the state, those easterne monarchs doe not use to stand upon punctilios of lawes made, or to be made, no, nor so much as upon the formality of legall proceedings; wherein there hath beene more either right, or favour shewed to the Lord Strafford by the king and his parliament, then I beleeve ever was to any like offender in the whole world before him, which I marke to their majesties, and their eternall glory and praise.

I know well what may bee replyed by some others, not by the Lord Digby, of the dangerousnesse of this last-mentioned doctrine of his, and am as sensible thereof as another man.

But I doe humbly conceive, that there is yet more danger in the Lord Digbies forerehearsed doctrine; and that all that is in the last recited (being also, as I take it, more conformable to the law of the land) may be prevented by some good ordinances, otherwise needful to be made, which is an argument I must not digresse into here.

In summe, I hope, ere this, it is plaine, that instead of the prayer his lordship made, it had beene more needfull for him to have prayed to God to keepe him from making distinctions, where God himselfe hath made none, which his lordship knoweth is not well pleasing to God, and must needs have observed to have beene the originall of many great divisions and combustions in the church, and so might now have beene in this state, if God, of his mercy, and by his over-ruling power, had not prevented it, contrary to his lordships prudential judgement, who, I perceive, would else have found a wrong father for those feared distractions of the kingdome.

Or, if all I have yet said bee not enough, let this suffice, that the Lord Digby himselfe, not only in a former speech made before he altered his mind, but in this very speech, doth clearely allow of this very kind of proceeding, which he would faine seem to disallow.

For after all the expression of his so nice tendernesse of conscience in this point, even his lordship notwithstanding moved, that, laying aside the bill of attainder, the house would thinke of another, such a one as might secure the state from the Lord of Strafford, saving only his life. Which, under favour, had not onely beene to condemne him *a posteriori* to worse then death; that is, either to have lived in perpetuall imprisonment, or to have become an ignominious fugitive and vagabond, after hee had beene

branded by the house of commons, by his lordship, and by his most sacred majestie, in such a manner, as might well have put the same thoughts into him, that every one that met him would have killed him; which made Caine cry out, that his punishment was greater than he could beare; but, for ought his lordship hath expressed, the bill he moved for might have trenched as deep to the ruine of his innocent posterity as the bill of attainder.

Nay, I pray tell mee, how, but by a law *a posteriori*, could his lordship have condemned the Lord Strafford of high treason, as he hath professed that hee should and might have done with innocence, if that of the Irish army had beene proved to his understanding; for I doe not know whether, as the case may bee put, those words touching the Irish army had beene treason, as yet declared by the statute of 25. Edward 3. But if they be, then I am sure the former words are much vaster treason.

And to leave no leafe of his lordships defence unventilated; his reason drawne from the marking of a house infected with the plague, being the same, in other words, with the Lord Straffords taken from a boy, is of a little shew, but no force at all; for, under favour, these comparisons show no more, but that no action in itselfe indifferent (such as that the old rhetoricians make use of, the going up to the top of the wals of a towne or garrison,) ought to bee made capitall to any man that had no knowledge of that law; which I allow to bee good reason; but am sure his lordship will not allow that the Lord Strafford was charged with any such slight article, and much lesse that the result of them all is a matter of indifference, or such a one to which the Lord Strafford could plead ignorance of the hainousnesse of the crime; for there is no man capable of committing the treason for which hee hath suffered, but must needs know, that as the safety of the people is the supreme law, so the attempting to introduce any new forme of government without their consents, especially an arbitrary and tyrannicall one, is the greatest wrong can be done, and the highest treason can bee committed against a state.

And sure, Sir Thomas Wentworth, who (as the Lord Digby himselfe hath noted in his foresaid speech for the trienniall parliament) was the man that whilome, in the house of commons, first moved for the inserting of that clause in the petition of right; (and that your majestie would bee also graciously pleased, for the further comfort and safety of your people, to declare your royall will and pleasure, that in the things aforesaid, all your officers and ministers shall serve you according to the lawes and statutes of this realme, as they tender the honour of your majestie, and prosperity of this kingdome), was not ignorant of the greatnesse of this offence; if the Lord Wentworth and the Lord Strafford were, as indeed a man may well thinke they were, that in their story shall hereafter observe, that they no sooner were admitted to the honour of being in the number of his majesties officers and ministers, but they began, and so continued to bee, the great transgressors and violaters of all the heads of the same petition of right, in the kingdomes of England or Ireland, and of most of them in both.

I cannot observe any thing more in the Lord Digbies speech, that, without wrong to his judgement, may be thought to have beene a ground of his solemne protestation, that his vote went not to the taking away of the Lord Straffords life; but I have observed two passages which may give a little light how his judgement, so neat in other things, came to bee corrupted in this.

The first is an ungrounded apprehension, that neither the lords nor the king would have passed the bill, and consequently, that the passing of it in the house of commons would be cause of great divisions in the states; for there is no passion doth multiply faster, or which in shorter time will raise a greater mist in the mind of a wise man, then groundlesse feare.

The second is, his lordships having upon this occasion much inculcated to his owne conscience the height and weight of the crime of committing murther with the sword

of justice, but, for ought appears in his speech, having quite forgotten to put in a due counterpoyse thereunto, from a no lesse serious consideration of that saying of the wise man: "Hee that justifieth the wicked, and hee that condemneth the just, even they both are abomination to the Lord;" and the president made upon king Ahab, recorded in these words, "Because thou hast let goe out of thy hands a man whom I appointed to utter destruction, thy life shall goe for his life."

Wherein, notwithstanding, I would not be so understood, as if I, who am a private man, did take upon me to judge of the Lord Straffords cause; for, as I declared at the beginning, my intention throughout hath beene only to vindicate the publike proceedings from scandall, and to cleare the Lord Digby from his scruples: the first of which now I have done with the zeale that became me, I shall henceforth with æquanimity expect to see what grounds there was of the Lord Straffords hopes, that hee may hereafter appeare lesse guilty of the death hee died, then as yet he doth to me.

And though in the later I have used necessary freedome in expressing my present conceits of the Lord Digbyes reasons, yet I reserve a thought, that the weaknesse may bee in my own understanding, and that, though of myselfe I am not, yet by his lordship I may be made capable of them, being one that hath his eminent abilities in no lesse admiration then any other whatsoever.

FINIS.

The Earl of Strafford's Letter to the King, to pass the Bill occasioned by the Tumults of the Apprentices. Taken from the Original Copy. Printed 1680.

The bill of attainder against Strafford was driven through the house of lords by the threats and menaces of the people, who deterred all peers from attending whom they suspected to favour the earl. The king's assent was alone necessary to complete his fate, and this the popular leaders used every means of extorting. Upon 2d May 1640, the clergy preached on the necessity of justice upon this great delinquent, and on the following day, a mob of six thousand persons came thronging to Westminster, demanding the execution of Strafford. The king had hitherto endeavoured to temporize, and to satisfy the commons by some sacrifice short of the life of his most faithful and able servant. But the queen now assailed him with all her influence, falsely deeming that she would thus avert the indignation of the public from herself. Bishop Williams also beset his conscience with the vile chicane, that it were better one should perish unjustly, than that all should be destroyed. And the gallant earl himself, in the following admirable letter, pressed him to extricate himself from so perilous a situation, by passing the bill, and thus taking the life which he freely offered. To a mind possessed of courage as well as generosity, this self-devotion would have but been an additional argument for resolutely refusing to consent to the act of injustice demanded. But Charles, in complying with the melancholy request of Strafford, gave an unauspicious omen to the friends upon whose fidelity he was so soon to be dependant. He signed a commission to three lords to pass the bill; "and how he could be brought to it," says Whitlocke, "was admired by most of his subjects, as well as by foreigners." The noble victim received the news with a solemn repetition of this text of scripture, "Put not your hopes in princes, nor in the sons of men, for in them there is no salvation."—

May it please your Majesty,

It hath been my greatest grief, in all these troubles, to be taken as a person which should endeavour to represent and set things amiss between your majesty and your people, and to give counsels tending to the disquiet of your three kingdoms.

Most true it is, that this, mine own private condition considered, it had been a great madness, since, through your gracious favour, I was so provided, as not to expect, in any kind, to mend my fortune, or please my mind more, than by resting where your bounteous hand had placed me.

Nay, it is most mightily mistaken; for, unto your majesty it is well known, my poor and humble advices concluded still in this, That your majesty and your people could never be happy till there was a right understanding betwixt you and them; no other means to effect and settle this happiness but by the counsel and assent of the parliament; or, to prevent the growing evils upon this state, but by entirely putting yourself, in your last resort, upon the loyalty and good affections of your English subjects.

Yet, such is my misfortune, this truth findeth little credit; the contrary seemeth generally to be believed, and myself reputed as something of separation between you and your people; under a heavier censure than which, I am persuaded no gentleman can suffer.

Now, I understand the minds of men are more incensed against me, notwithstanding your majesty hath declared, that, in your princely opinion, I am not guilty of treason, nor are you satisfied in your conscience to pass the bill.

This bringeth me into a very streight: there is before me the ruin of my children and family, hitherto untouched, in all the branches of it, with any foul crimes. Here is before me the many ills which may befal your sacred person, and the whole kingdom, should yourself and the parliament part less satisfied one with the other than is necessary for the preservation of king and people. Here are before me the things most valued, most feared by mortal men, life or death.

To say, sir, that there hath not been a strife in me, were to make me less than, God knoweth, mine infirmities give me.

And to call destruction upon myself and young children, where the intentions of my heart, at least, have been innocent of this great offence, may be believed will find no easy content to flesh and blood.

But, with much sadness, I am come to a resolution of that which I take to be the best becoming me, to look upon that which is most principal in itself, which, doubtless, is the prosperity of your sacred person and the common-wealth, infinitely before any man's private interest.

And, therefore, in few words, as I put myself wholly upon the honour and justice of my peers, so clearly, as to beseech your majesty might please to have spared that declaration of yours on Saturday last, and entirely to have left me to their lordships; so now, to set your majesty's conscience, &c. at liberty, I do most humbly beseech you, for the prevention of such mischief as may happen by your refusal, to pass the bill, by this means to remove, praised be God, I cannot say this accursed, but, I confess, this unfortunate thing forth of the way towards that blessed agreement, which God, I trust, shall for ever establish betwixt you and your subjects.

Sir, my consent herein shall more acquit you to God, than all the world can do besides: To a willing mind there is no injury done; and as, by God's grace, I forgive all the world, so, sir, I can give up the life of this world with all cheerfulness imaginable, in the just acknowledgment of your exceeding favour; and only beg, that, in your goodness, you would vouchsafe to cast your gracious regard upon my poor son

and his sisters, less or more, and no otherwise than their unfortunate father shall appear more or less guilty of his death. God long preserve your majesty.

Tower,
May 4, 1641.

Your majesty's most humble,

most faithful subject and servant,

STRAFFORD.

Earle of Strafford's Letter to his Sonne. MS.

My dear Will,

These are the last lynes that yow are to receive from a father that tenderly loves yow. I wish there were a greater leasure to impart my mynde unto you ; but the merciful God will supply all things by his grace, guid and protect you in all your waies, to whose infinite goodness I bequeathe yow, and therefore be not discouraged, but serve him, and trust in him, and he will preserve and prosper yow in all things.

Be sure you give all respect to my wife, that hath ever had a great love unto yow ; and therefore it will be well-becomeing yow : never be wanting in your love and care to your sisters, but lett them ever be most deare unto yow ; for this will give others cause to esteeme and respect yow for it ; and 'tis a duty you owe them in the memory of your excellent mother and myself ; therefore, your care and affection to them must bee the very same that you are to have of yourselfe : and the like regard must yow have to your youngest sister ; for indeed yow owe it to her also, both for her father and mother's sake.

Sweet Will, be carefull to take the advise of those friends which by me are directed to advise you for your education. Serve God diligently, morning and evening, and recommend yourselfe unto him, and have him before your eyes in all your wayes. With patience hear the instructions of those friends I leave with you, and diligently followe their counsell ; for, till you come by time to have experience in the world, it will be farr more safe to trust to their judgments, not your owne. Loose not the time of your yowth, but gather those seeds of vertue and knowledge which may be of use to yourselfe, and comfort to your friends. For the rest of your life, and that this may bee the better effected, attend thereunto with patience, and be sure to correct and refrain yourselfe from anger. Suffer not sorrow to cast you downe, but with cheerfullnes and good corage goe on the race you have to runn, in all sobriety and truth. Bee sure, with a hallowed eare, to have respect to all the commaundements of God, and give not yourselfe to neglect them in the least things, least, by degrees, you come to neglect them in the greatest ; for the hart of man is deceitfull above all things. And in all your duties and devotions towards God, rather performe them joyfully then pensively, for God loves a cheerefull giver.

For your religion, lett it bee directed according to that which shall be taught you by those which are in God's church, by the proper teachers. Therefore, rather then that yow overfancy one to yourselfe, or be ledd by men that are singuler in their opinions, and delight to go wayes of their owne fynding out ; for you will certainely fynd sobernes and truth in the one, and much unsteadfastnes and vanity in the other.

The king, I trust, will deale gratiously with yow ; restore yow those honours and

that fortune which a distempered tyme hath deprived yow of, together with the life of your father; which I rather advise might bee by a newe guift and creation from himself, than by any other meanes, to the end yow may pay the thanks to him without having obligation to any other.

Bee sure to avoyd, as much as you cann, to enquire after those that have bene sharp in their judgments towards mee. And I chardge yow never to suffer thoughts of reveng to enter your hart; but bee carefull to be informed who were my friends in this prosecution, and to them apply yourself to make them your friends also, and on such you may relye, and bestow much of your conversation amongst them.

And God Almightie, of his infinite goodnes, blesse yow, and your children's children; and his same goodnes blesse your sisters; in like manner perfect yow all in every good worke, and give you right understanding in all things. Amen. Amen. Your most loving father.

Tower, this 11th of May, 1641. THO. WENTWORTH.

Yow must not forgett to behave yourselfe towards my lady of Clare, your grandmother, with all dutie and observance; for most tenderly doth shee love yow, and hath bene passing kinde unto mee: God reward her charity for it! And both in this and all the rest, the same that I counsell yow, the same doe I direct unto your sisters also, that so the same may be observed by yow all. And once more doe I, from my very soule, beseech our gracious God to blesse and governe yow in all good works, to the saveing yow in the day of his visitation, and joyne us again in the communion of his blessed saints, where is fullnes of joye and blisse for evermore. Amen. Amen.

A Letter sent from the Earle of Strafford to his Lady in Ireland, a little before his Death. May the 11th, 1641.

This letter was addressed to Elizabeth, daughter of Sir Godfrey Rhodes, whom he married in October 1632. She was his third lady.

You shall receive, my deare wife, my last words, in these my last times; my love I send, that you may keep it when I am dead, and closed in my coffin, which puts an end to all worldly cares and miseries which I am subject unto; and withall, take my counsel, which are the words of a dying man, which ought to make a deeper impression, both of you that read my letter, and also of the hearers, that both you and they may remember it the better, when I am no more. I would not with my will present you sorrows (dear wife); let them go to the grave with me, and be burried in the dust: And seeing it is not the will of God that I shall see you any more, bear my distraction and sad disaster patiently, and with an heart like your self.

First, I send you all the thanks which my heart can conceive or my words expresse, for your many travailes and cares for me, which, though they have not taken an effect as you wished, yet my debt to you is no lesse; but pay it I never shall in this world.

Secondly, I beseech you, for the love you bare me living, that you do not obscure yourselfe many days, but by your travaile seek to helpe the miserable fortune and the right of your poore children; your mourning cannot availe me any thing, that am but dust, and I hold it a kind of envy to over-grieve for those that are gone to rest in the Lord.

Thirdly, You shall understand that my lands were conveyed (*bona fide*) unto my son; the writings were drawn at Midsummer was twelve month, as divers can witnesse. To what friend to direct you I know not, for all mine have left me in the true time of triall: such is this worlds frindship, in the time of a mans greatest necessity. Most sorry am I that, being thus surprised by death, I can leave you no better estate; God hath prevented all my determinations, that same great and Almighty God that worketh all in all; if you can live free from want, care for no more, for the rest is but vanity. Love God, and begin betimes to seek and know him, so shall you find true everlasting comfort; when you have travailed and wearied yourselfe with all sorts of worldly cogitations, you shall sit down with sorrow in the end. Teach your son also to feare and serve God whilst he is young, that the feare of God may grow up in him; then will God be an husband to you, and a father to him, and a husband and a father that never can be taken away from you.

Balo oweth me a thousand pound, and Arian a thousand pound; in Jernsey I have also much owing me.

Deare wife, I beseech you, for my soules sake, pay all poore men to whom I am indebted, when I am dead; no doubt you shall be much sought unto, for the world thinkes I am very rich. Have a care to fair pretences of men; for no greater misery can befall you in this life, then to be a prey unto the world, and after to be despised. I speak, God knowes, not to disswade you from marrying againe, for that will be the best for you, both in respect of God, and of the world. As for me, I am no more yours, nor you mine; death hath cut us asunder, and God hath divided me from the world, and you from me. Remember my child for his fathers sake, who loved you in his happiest estate. I sued and have pleaded for my life, but God knows that it was for you and yours that I desired it; for know it, my deare wife, your childe is the son of a true man, who, in his own respect, despiseth death.

I cannot write much; God knowes how hardly I steale time, when all are asleep; and it is also high time to separate my thoughts from the world. Beg my dead body, which living was denied; and either lay it in Aleaune[1] or Antley, by my father and mother. I can say no more; time and death calls me away. The everlasting God, powerfull, infinite, inscrutable, God Almighty, who is goodness itselfe, the true light and life, direct and keep you and yours, and have mercy upon me.

My deare wife, farewell. Lord Almighty blesse my son: Pray for me; and let my true God, whom I serve, hold you both in his armes. *Vale, vale, vale.*

[1] A towne so called near Wentworth Woodhouse in Yorkshire. His body was first embalmed, and then conveyed to the place aforesaid.

The Petition of the Earle of Strafford unto the Lords Spirituall and Temporall, in this present Parliament assembled, before he dyed.

Right Honourable.

The humble petition of Thomas Earle of Strafford. Sheweth, that seeing it is the good will and pleasure of God that your petitioner is now shortly to pay that duty which we all owe to our fraile nature; he shall, in all Christian patience and charity, confirme and submit himselfe to your justice, in a comfortable assurance of the great hope laid up for us in the mercy and merits of our Saviour blessed for ever.

Only he humbly craves to returne your lordships most humible thanks for your noble compassion towards those innocent children, whom now, with his last blessing, he must commit to the protection of Almighty God, beseeching your lordships to finish your pious intentions towards them; and desiring that the reward thereof may be fulfill'd in you, by him that is able to give above all we are able either to ask or thinke. Wherein I trust the honourable house of commons will afford their Chrystian assistance.

And so, beseeching your lordships charitably to forgive all his omissions and infirmities, he doth very heartily recommend your lordships to the mercies of our Heavenly Father, and that for his goodnes he may perfect you in every good worke. Amen.

THO. WENTWORTH.

To the Right Honourable the Lords Spirituall and Temporall in the high Court of Parliament assembled, the humble Petition of Thomas Earle of Strafford, his Majesties Lieutenant-Generall of Ireland.

Most humbly sheweth,

That in obedience to your lordships order, and in due respect and acknowlegement of your noble justice you vouchsafed this your petitioner the other day, he now expresseth in writing that humble request that he then made, concerning the examining of witnesses; which, with your lordships favor, was this:

1. That there might be no admission of any examination of witnesses in the cause, till your petitioner hath put in his answer to the charge of treason exhibited against him.

2. That after answer, no witnesses should be examined, before your petitioner had the names of such witnesses delivered unto him by your lordships order, to the intent (as by his councell he should be advised) he might either except against such witnesses, or crosse-examine them.

3. That before either of these two points should be over-ruled against your petitioner, your lordships would be honorably pleased to heare him by his councell, at the barre, to shew cause why he humbly conceives his desires herein to be just and reasonable.

Finally, your petitioner humbly craves your lordships remission, if his petition be not so formall as it ought, and might be, had he the help of councell: And shall ever, with all expression of duty and thankfulnesse, retaine in full memory your lordships

most honourable justice, and noble respects to your petitioner the other day, and pay your lordships the duties of this whole life for the same; and alwayes and unfainedly pray for your most noble lordships increase of all everlasting honour and happinesse.

The Reflections of King Charles I. upon the Earle of Strafford's Death.

It is impossible to complete these treatises on Strafford's trial better than with the reflections which his master had bitter cause to make upon the weakness with which he consented to his death. It is said, that when he signed the fatal commission, empowering three lords to pass the bill of attainder, he exclaimed, that Lord Strafford was more happy than he.

I looked upon my lord of Strafford as a gentleman whose great abilities might make a prince rather afraid, than ashamed to employ him in the greatest affairs of state.

For those were prone to create in him great confidence of undertakings, and this was like enough to betray him to great errors, and many enemies; whereof he could not but contract a good store: while moving in so high a sphear, and with so vigorous a luster, he must needs (as the sun) raise many envious exhalations, which, condensed by a popular odium, were capable to cast a cloud upon the brightest merit and integrity.

I never met with a more unhappy conjuncture of affairs, than in the business of that unfortunate earl: when, between my own unsatisfiedness in conscience, and a necessity (as some told me) of satisfying the importunities of some people, I was perswaded by those that I think wished me well, to chuse rather what was safe, than what seemed just, preferring the outward peace of my kingdoms with men, before that inward exactness of conscience before God.

And indeed, I am so far from excusing or denying that compliance on my part (for plenary consent it was not,) to his destruction, whom, in my judgment, I thought not, by any clear law, guilty of death, that I never did bear any touch of conscience with greater regret; which, as a sign of my repentance, I have often with sorrow confessed, both to God and men, as an act of so sinful frailty, that it discovered more a fear of man than of God, whose name and place on earth no man is worthy to bear, who will avoid inconveniencies of state by acts of so high injustice as no publique convenience can expiate or compensate.

I see it a bad exchange to wound a mans own conscience, thereby to shew the world the fallacy of that maxim, "Better one man perish (though unjustly) than the people be displeased or destroyed."

For, in all likelyhood, I could never have suffered with my people greater calamities, (yet with greater comfort,) had I vindicated Strafford's innocency, at least by denying to sign that destructive bill, according to that justice which my conscience suggested to me, then I have done since I gratified some mens unthankful importunities with so cruel a favour; and I have observed, that those who counselled me to sign that bill,[1]

[1] It is believed, that Arch-bishop Williams was the person who pointed out and pressed upon Charles a jesuitical distinction between his conscience as a monarch and as a private man, and that the former might authorize sacrifices inconsistent with the latter. It is well known how soon this prelate became himself the object of popular persecution.

have been so far from receiving the rewards of such ingratiatings with the people, that no men have been harassed and crushed more than they: he only hath been least vexed by them, who counselled me not to consent against the vote of my own conscience: I hope God hath forgiven me and them the sinful rashness of that business.

To which being in my soul so fully conscious, those judgments God hath pleased to send upon me are so much the more welcome, as a means (I hope) which his mercy hath sanctified so to me, as to make me repent of that unjust act, (for so it was to me,) and for the future to teach me, that the best rule of policy is to preferr the doing of justice before all enjoyments, and the peace of my conscience before the preservation of my kingdomes.

Nor hath any thing more fortified my resolutions against all those violent importunities which since have sought to gain a like consent from me to acts wherein my conscience is unsatisfied, than the sharp touches I have had for what passed me in my lord of Strafford's business.

Not that I resolved to have employed him in my affairs, against the advice of my parliament;[1] but I would not have had any hand in his death of whose guiltlessness I was better assured than any man living could be.

Nor were the crimes objected against him so clear, as, after a long and fair hearing, to give convincing satisfaction to the major part of both houses, especially the lords, of whom scarce a third part were present when the bill passed that house; and for the house of commons, many gentlemen disposed enough to diminish my lord of Straffords greatness and power, yet unsatisfied of his guilt in law, durst not condemn him to dye; who, for their integrity in their votes, were, by posting their names, exposed to the popular calumny, hatred, and fury, which grew then so exorbitant in their clamours for justice, (that is, to have both my self and the two houses vote, and do as they would have us,) that many ('tis thought) were rather terrified to concur with the condemning party, than satisfied that of right they ought to do so.

And that after-act, vacating the authority of the precedent, for future imitation, sufficiently tells the world, that some remorse touched even his most implacable enemies, as knowing he had very hard measure, and such as they would be very loath should be repeated to themselves.

This tenderness and regret I find in my soul, for having had any hand (and that very unwillingly, God knows,) in shedding one man's blood unjustly, (though under the colour and formalities of justice, and pretences of avoiding publique mischiefs,) which may, I hope, be some evidence before God and man, to all posterity, that I am far from bearing justly the vast load and guilt of all that blood which hath been shed in this unhappy war; which some men will needs charge upon me, to ease their own souls, who am, and ever shall be, more afraid to take away any mans life unjustly, than to lose mine own.

[1] In the king's speech, in which he demurred as to passing the bill of attainder, he protested to both houses, that he thought Strafford disqualified to serve him even as a high constable in future.

The Speech of Thomas Wentworth, late Earle of Strafford, and Deaputy of Ireland, in the Tower, to the Lords, before he went to Execution.

RIGHT honourable, and the rest, you are now come to convey me to my death: I am willing to dye, which is a thing no more than all our predecessors have done, and a debt that our posterity must in their due time discharge, which, since it can be no way avoyded, it ought the lesse to be feared; for that which is common to all, ought not to be intolerable to any: it is the law of nature, the tribute of the flesh, a remedy from all worldly cares and troubles, and, to the truly penitent, a perfect path to blessednesse. And there is but one death, though severall wayes unto it: mine is not naturall, but enforced by the law and justice. It hath beene said, that the lawes vex only the meaner sort of people, but the mightie are able to withstand them: it is not so with mee; for to the law I submit myselfe, and confesse that I receive nothing but justice; for he that politikly intendeth good to a common-weale, may be called a just man, but he that practiseth either for his own profit or any other sinister ends, may bee well termed a delinquent person; neither is delay in punishment any priviledge for pardon: and moreover, I ingenuously confesse, with Cicero, That the death of the bad is the safety of the good that be alive.

Let no man trust either in the favour of his prince, the friendship and consanguinity of his peers, much lesse in his owne wisdom and knowledge, of which I ingenuously confesse I have beene too confident: kings, as they are men before God, so they are gods before men, and I may say with a great man once in this kingdome, Had I strived to obey my God as faithfully, as I sought to honour my king diligently, I had stood, and not fallen. Most happie and fortunate is that prince, who is as much for his justice feared, as for his goodnesse beloved; for the greater that princes are in power above other, the more they ought in vertue to excell other; and such is the royall soveraigne whom I late served.

For my peers, the correspondence that I had with them during my prosperity was to me very delightfull and pleasing; and here they have commiserated my ruine, I have plentifully found, who, (for the most generous of them,) I may boldly say, though they have detested the fact, yet they have pitied the person delinquent; the first in their loyaltie, the last in their charity: ingenuously confessing, that never any subject, or peere of my rank, had ever that helpe of counsell, that benefit of time, or a more free and legall tryall than I have had: in the like whereof none of my predecessors hath had so much favour from his prince, so much sufferance from the people; in which I comprehend the understanding commons, not the many-headed monster, multitude: but I have offended, am sentenced, and must now suffer.

And for my too much confidence in my supposed wisdom and knowledge, therein have bin the most deceived; for he is wise to himselfe, that knowes by others faults to correct his owne offences: to be truly wise is to be secretaries to ourselves; for it is mere folly to reveale our intimate thoughts to strangers: wisdom is the most precious gem with which the mind can bee adorned, and learning the most famous thing for which a man ought to be esteemed, and true wisdom teacheth us to do well, as to speake well: in the first I have failed, for the wisdome of man is foolishnesse with God.

For knowledge, it is a thing indifferent both to good and evill; but the best knowledge is for a man to know himselfe; hee that doth so shall esteeme of himselfe but little, for he considereth from whence he came, and whereto he must go; he regardeth not the vain pleasures of this life; he exalteth God, and strives to live in his feare; but

he that knoweth not himselfe, is wilfull in his own wayes, unprofitable in his life, unfortunate in his death, and so am I. But the reason why I sought to attaine unto it, was this: I have read that he that knoweth not that which he ought to know, is a bruit beast amongst men; he that knoweth more than he ought to know, is a man amongst beasts; but he that knoweth all that may be known, is a god amongst men. To this I much aspired; in this I much failed: Vanity of vanities, all is but vanity.

I have heard the people clamour and cry out, saying, that through my occasion the times are bad: I wish that when I am dead they may prove better. Most true it is, that there is at this time a great storme impending, (God in his mercy avert it.) And since it is my particular lot, like Jonah, to be cast into the sea, I shall thinke my life well spent, to appease Gods wrath, and satifie the peoples malice.

O! what is eloquence more than aire? fashioned with an articulate and distinct sound, when it is a speciall vertue to speake little and well; and silence is oft the best oratory; for fooles in their dumbnesse may be accounted wise: It hath power to make a good matter seeme bad, and a bad cause appeare good: but mine was to me unprofitable, and like the cyresse trees, which are great and tall, but altogether without fruit.

What is honour? but the first step to disquietnesse; and power is still waited on by envie, neither hath it any priviledge against infamy. It is held to be the chiefe part of honour, for a man to joine to his office and calling, curtesie and affability, commiseration and pity; for thereby he draweth to him, with a kind of compulsion, the hearts of the multitude. But that was the least part of my study; which now makes me call to mind, that the greater the persons are in authoritie, the sooner they are catcht in any delinquency, and their smallest crimes are thought to be capitall; the smallest spot seems great in the finest linnen, and the least flaw is soonest found in the richest diamond. But high and noble spirits finding themselves wounded, grieve not so much at their own paine and perplexitie, as at the derision and scoffs of their enemy: but for mine own part, though I might have many in my life, I hope to find none in my death.

Amongst other things which pollute and contaminate the minds of great spirits, there is none more heinous than ambition, which is seldome unaccompanied with avarice: Such, to possesse their ends, care not to violate the lawes of religion and reason, and to breake the bonds of modesty and equity, with the nearest tyes of consanguinity and amity, of which as I have bin guilty, so I crave at Gods hands forgivenesse. It is a maxime in philosophy, that ambitious men can be never good counsellours to princes; the desire of having more is common to great lords, and a desire of rule a great cause of their ruine.

My lords, I am now the hopelesse president; may I be to you all an happy example: For ambition devoureth gold, and drinketh bloud, and climbeth so high, by other mens heads, that, at the length, in the fall it breaketh its own neck; therefore it is better to live in humble content than in high care and trouble: For more precious is want with honesty, than wealth with infamy: For what are we but meere vapours, which, in a serene element, ascend high, and, upon an instant, like smoake, vanish into nothing; or like ships without pilots, tost up and downe upon the seas by contrary winds and tempests. But the good husbandman thinkes better of those eares of corne which bow down and grow crooked, than those which are straight and upright, because he is assured to finde more store of graine in the one than in the other. This all men know, yet of this how few make use; the defect whereof must be now my paine: may my suffering prove to others profit.

For what hath now the favour of my prince, the familiarity with my peeres, the volubility of a tongue, the strength of my memory, my learning, or knowledge, my honours or offices, my power and potency, my riches and treasure, (all these the speciall gifts both of nature and fortune,) what have all these profited me? Blessings, I acknowledge, though by God bestowed upon man, yet not all of them together upon many;

yet, by the divine Providence, the most of them met in me; of which, had I made happy use, I might still have flourisht, who now am forc'd immaturely to fall.

I now could wish (but that *utinam* is too late,) that God with his outward goodnes towards me, had so commixed his inward grace, that I had chused the medium path, neither inclining to the right hand, nor deviating to the left; but, like Icarus, with my waxen wings, fearing by too low a flight to moysten them with the waves, I soared too high, and too near the sun, by which they being melted, I ayming at the highest, am precipitated to the lowest, and am made a wretched prey to the waters: But I who before built my house upon the sand, have now setled my hopes upon the rock, my Saviour; by whose only merits my sole trust is, that whatsoever becomes of my body, yet in his bosome my soule may be sanctuaried.

Nimrod would have built a tower to reach up to heaven, and called it Babel; but God turned it to the confusion of languages, and dissipation of the people. Pharaoh kept the children of Israel in bondage, and after having freed them, in his great pride would have made them his prey; but God gave them a dry and miraculous passage, and Pharaoh and his hoast a watry sepulcher. Belshazzer feasted his princes and prostitutes, who drunke healths in the vessels taken from the temple; but the hand of God writ upon the wall, *Mene. tekel. Phoras*, and that night, before morning, was both his kingdome and life taken from him. Thus God lets men goe on a great while in their owne devices, but in the end it proves their own ruine and destruction, never suffering them to effect their desired purposes; therefore let none presume upon his power, glory in his greatnesse, or be too confident in his riches; these things were written for our instruction, of which the living may make use, the dying cannot; but wit and unfruitfull wisdom are the next neighbours to folly.

There can be no greater vanity in the world, than to esteeme the world, which regardeth no man, and to make slight account of God, who greatly respecteth all men; and there can be no greater folly in man, than by much travell to increase his goods, and pamper his body, and in the interim, with vaine delights and pleasures, to lose his soule. It is a great folly in any man to attempt a bad beginning, in hope of good ending; and to make that proper to one, which was before common to all, is meere indiscretion, and the beginning of discord, which I positively wish may end in this my punishment.

O how small a proportion of earth will containe my body, when my high minde could not be confined within the spacious compasse of two kingdoms! But my houre draweth on, and I conclude with the psalmist, not ayming at any one man in particular, but speaking for all in general: "How long will you judges be corrupted? how long will yee cease to give true judgement? &c. Blessed is the man that doth not walke in the councell of the wicked, nor stand in the way of sinners, nor sit in the seat of the scornefull; therefore they shall not stand in the judgment, nor sinners in the assembly of the righteous," &c.

About the houre of 12 a clocke, the aforesaid Lord of Strafford was conveyed to the scaffold on Tower-hill, where was a court of guard made by the severall companies of souldiers of the city of London, and the hamlets of the Tower, on each side as he passed to the scaffold: before marched the marshalls men, to make way; then the sheriffes of Londons officers, with their halberds; after them the kings guard, or warders of the Tower; next came one of his gentlemen, bare headed, in mourning habit, the Lord Strafford following him clad in blake cloath, with divers others in the same habit, which were his attendance; then the lord bishop of Armagh, and other good divines, with the sheriffes of London, and divers honourable personages.

When he came to the scaffold, he there shewed himselfe on each side in full view to all people, and made a short speech, with as much alacrity of spirit as a mortal man could expresse.

On ending which speech, turning himselfe about, he saluted all the noblemen, and took a solemne leave of all considerable persons on the scaffold, giving them his hand.

And after that, he said, gentlemen, I would say my prayers, and I entreat you all to pray with me, and for me: then his chaplaine laid the booke of Common Praier upon the chaire before him, as he kneeled down, on which he praied almost a quarter of an houre; then he prayed as long, or longer, without a booke, and ended the Lords prayer; then standing up, he spies his brother, Sir George Wentworth, and calls him to him, and saith; "Brother, we must part; remember me to my sister, and to my wife, and carry my blessing to my eldest son, and charge him from me, that he feare God, and continue an obedient son of the church of England; that he should approve himselfe a faithful subject to the king; and tell him, that he should not have any private grudge or revenge towards any concerning me; and bid him beware that he meddle not with church-livings; for that will prove a moth and canker to him in his estate; and wish him to content himselfe to be a servant to his country, as a justice of peace in his county, and not aiming at higher preferments: carry my blessing also to my daughters, Anne and Arabella; charge them to feare and serve God, and he will blesse them; not forgetting my little infant, that yet knowes neither good nor evill, and cannot speak for it selfe; God speake for it, and blesse it." Then said he, "Now I have nigh done; one stroke will make my wife husbandlesse, my deare children fatherlesse, and my poor servants masterlesse, and separate me from my deare brother and all my friends; but let God be to you and them all in all."

After that, going to take off his doublet, and to make himself ready, he said, "I thanke God I am no more afraid of death, nor daunted with any discouragement rising from any feares, but doe as cheerfully put off my doublet at this time, as ever I did when I went to bed." Then he put off his doublet, and wound up his haire with his hands, and put on a white cap.

Then he called, "Where is the man that should do this last office, (meaning the executioner;) call him to me." When he came, and askt him forgivenesse, he told him he forgave him and all the world. Then kneeling downe by the block, he went to prayer again himselfe, the bishop of Armagh kneeling on the one side, and the minister on the other; to the which minister, after prayer, he turned himselfe, and spoke some few words softly, having his hands lifted up: this minister closed his hands with his: then bowing himselfe to the earth, to lay his head on the block, he told the executioner that he would first lay down his head to try the fitnesse of the blocke, and take it up againe, before he would lay it downe for good and all; and so he did: and before he laid it downe again, he told the executioner that he would give him warning when to strike, by stretching forth his hands; and then laid downe his necke on the blocke, stretching out his hands: the executioner struck off his head at one blow, then took the head up in his hands, and shewed it to all the people, and said, "God save the king." Amen.[1]

[1] "And to shew how mad this whole people were, especially about this bloody and brutish city (London,) on the evening of the day whereon he was executed, the greatest demonstrations of joy that possibly could be exprest, rann thro' the whole town and countries hereabout; and many, that came up to town on purpose to see the execution, rode in triumph back, waving their hatts, and, with all expressions of joy, thro' every town they went, crying, 'His head is off, his head is off!' and in many places committing insolencies upon, and breaking the windows of those persons who would not solemnize this festival with a bonfire. So ignorant and brutish is a multitude."—Warwick's *Memoires*, p. 163.

A Letter sent unto a great Lady, and lately discovered by a strange Accident. May the 4, 1641.

Madam,

Although there be some discovery made knowne, yet what is intended is made secure; wherefore you most procure two thousand pound speedily; for no danger lets difficultie to compasse it, if you keep secret: remember your oath, for we shall slay the beast with many heads, and destroy the devils brood before they dreame or mistrust. Burne the letter you have received; your reward shall be in heaven.

The 5. Psalme he chose to read upon the Scaffold, at his death.

1. Ponder my words, O Lord; consider my meditation.
2. O hearken thou unto the voyce of my calling, my King, and my God: for unto thee will I make my prayer.
3. My voyce shalt thou heare betimes, O Lord: early in the morning will I direct my prayer unto thee, and will look up.
4. For thou art the God that hast no pleasure in wickednesse; neither shall any evill dwell with thee.
5. Such as be foolish shall not stand in thy sight; for thou hatest all them that work vanitie.

And so he read forwards to the end of the psalme.

An Ellegy written by Himselfe, a little before his death.

Farewell vain world, farewell my fleeting joyes,
Whose best of musick's but an echo's noyse,
And all the lustre of your painted light,
But as dull dreams and fantoms of the night;
Empty your pleasures too, nor can they last
Longer then ayre-puft bubbles, or a blast.
Farewell ye fading honours, which do blinde,
By your false mists the sharpest-sighted minde,
And having rais'd him to his hight of cares,
Tumble him headlong downe the slippery staires.
How shall I praise or prise your glorious ills,
Which are but poison put in golden pills.
Farewell my blustering titles, ne're come backe,
You've sweld my sailes untill my mastings cracke,
And made my vessell reele against the rocks
Of gaping ruine, whose destructive knocks
Hath helplesse left me, sinking, here to lye:
The cause? I rais'd my main-top sailes too high.
Farewell ambition, (since we needs must part,)
Thou great inchantresse of mans greater heart;
Thy guilded titles, that do seeme so faire,
Are but like meteors hanging in the aire;

In whose false splendor, falling thence, is found
No worth, but water-like shed on the ground.
Farewell the glory, from which all the rest
Derive the sweets for which men stile them blest,
That from one root in severall branches spring;
I meane, the favour of my gratious king:
This too hath led my wandering soule astray,
Like *ignis fatuus*, from its righter way.
Farewell my friends, I need not bid you goe;
When fortune flyes, you freely will do so.
Worship the rising, not the setting sun:
The house is falling; vermin quickly run.
Bees do from off the wither'd flowers make haste;
The reason is, because th'ave lost their taste.
Farewell the treasures of my tempting store,
Which, of all idolls, least I did adore;
Haste to some ideots coffer, and hee'l bee
Thy slave, as I have master been to thee.
Heaven knowes, of all the suitors that I had,
I least priz'd thee, as counting none so bad.
Last; to my foes farewell; for such I have,
Who do in multitudes wait for my grave;
'Mongst which I can't believe but some there bee
That hate my vices only, and not me;
Let them passe o're my fame without a blot,
And let the vulgar scratch they know not what;
Let them besmeare me by the chattering notes
(Poor silly hearts) which echo through their throates;
I'le passe it o're, and pray (with patience too)
Father forgive; they know not what they doe.
Yet O! I could have woo'd my treacherous fate
T' have died without the publique hate.

FINIS.

A Protestation against a foolish, ridiculous, and scandalous Speech, pretended to be spoken by Thomas Wentworth, late Earle of Strafford, to certain Lords, before his comming out of the Tower; as also against the simple and absurd Letter to his Lady in Ireland, together with the only true Copy of his Speech, and the charge delivered to his Son.

De mortuis nil nisi verum.

Printed anno 1641.

There appear to have been many disputes on this, as on similar occasions, concerning the genuine last words of this nobleman. The present protestation impugns the authenticity of the last tract; but it may be observed, that Strafford's letter to his lady bears every mark of being genuine, and the preceding speech probably rested on the same authority.

The Speech suggested to bee the late Earl of Straffords, pretended to be spoken in the Tower, being falsly and scandalously imputed to him, is protested against, and the Testimony of the Honourable Persons then present appealed unto therein.

Lord Primate of Ireland.
Earle of Cleeveland.
Earle of Newport.
Lord Rich.
Sir William Balfoure.
Sir William Wentworth.
Sir George Wentworth.
Doctor Carre.
Doctor Price.

The paper containing the heads of the Earle of Straffords last speech, written with his owne hand, as it was left upon the scaffold.

1. Come to pay the last debt we owe to sin.
2. Rise to righteousnesse.
3. Die willingly.
4. Forgive all.
5. Submit to justice, but in my intentions innocent from subverting, &c.
6. Wishing nothing but pro-perity to king and people.
7. Acquit the king constrained.
8. Beseech to repent.
9. Strange way to write the beginning of reformation and settlement of a kingdome in bloud.
10. Beseech that demand may rest there.
11. Call not blood upon themselves.
12. Die in the faith of the church.
13. Pray for it, and desire their prayers with me.

The true Speech, as it was delivered.

My Lord Primate of Ireland,

It is my very great comfort that I have your lordship by me this day, and I do thank God and your lordship for it, in regard I have bin knowne to you this many years I should be very glad to obtain so much silence as to bee heard a few words, but I doubt I shall not, the noyse is so great.

My lords I come hither by the good will and pleasure of Almighty God, to pay that last debt I owe to sin, which is death; and by the blessing of that God to rise again, through the merits of Jesus Christ, to righteousnesse and life eternall. Here hee was interrupted.

My lords, I am come hither to submit to that judgment which hath passed against me; I do it with a very quiet and contented minde: I do freely forgive all the world; a forgiveness that is not spoken from the teeth outwards, (as they say,) but from the very heart. I can very well say, in the presence of Almighty God, before whom I stand, that there is not a displeased thought arising in mee towards any creature. I thanke God I can say, and truly too, and my conscience beares mee witnesse, that in all the employments since I had the honour to serve his majesty, I never had any thing in the purpose of my heart, but what tended to the joynt and individuall prosperity of king and people. If it hath been my fortune to be misunderstood, surely I am not the first that hath been so; it is the common portion of us all, while we are in this life, to erre, but righteous judgment we must wait for in another place; for here we are very subject to be misjudged one of another. There is one thing I desire to free my selfe of, and I am very confident (speaking it now with so much cheerfulnesse) that it cannot be but that I shall obtaine your Christian charity in the belief of it; I did always think the parliaments of England were the happiest constitutions that any kingdome or nation lived under, and, next under God, the best means to make the king and his people happy; so far have I been from being against parliaments.

For my death, I heer acquit all the world, and beseech the God of Heaven heartily to forgive them, though, in the intentions and purposes of my heart, I am innocent of what I die for.

And, my lord primate, it is a very great comfort unto me, that his majesty conceives me not meriting so severe and heavy a punishment as is the uttermost execution of this sentence. I doe infinitely rejoyce in this mercy of his, and I beseech God to returne it upon him, that hee may find mercy when hee stands most in need of it.

I wish this kingdome all the prosperity and happinesse in the world; I did it living, and now dying it is my wish; I do most humbly recommend it to every man that heares mee, and desire that they will lay their hands upon their hearts, and consider seriously whether the beginning of the happinesse of the reformation of a kingdome should be written in letters of bloud. Consider this when you are in your owne homes; and let mee bee never so unhappy, as that the least drop of my blood should rise up in judgement against any one of you; I acquit you all, but I feare you are in a wrong way.

My lords, I here professe, and with that I shall end, that I doe die a true and obedient sonne to the church of England, wherein I was born, and in which I was bread; peace and prosperity be ever to it. And whereas it is objected, (if it bee an objection worth the answering,) that I have beene inclined to popery, I may truly say, that from the time of 21. to this present going on now of 49. yeeres, I never had in my heart to doubt of this religion of the church of England, nor ever any man the

boldnesse to suggest any such thing, to the best of my remembrance, to mee; so being reconciled by the mercies of Christ Jesus my Saviour, into whose bosome I hope I shall shortly bee gathered to those eternall happinesses that shall never have end.

I desire hartely the forgivenesse of every man for any rash and unadvised words, or for any thing done amisse; and so, my lords and gentlemen, farewell; farewell all the things of this world.

I desire that you would be silent, and joyne with me in prayer; and I trust in God we shall all meete, and live eternally in heaven, there to receive the accomplishment of all happines; where every teare shall bee wiped away from our eyes, and every sad thought from our hearts; and so God blesse this kingdom; and Jesus have mercy upon my soule.

To this added a prayer, not taken by any, to strengthen his faith, confirme him in patience and charity, to preserve his majesty and his realmes in prosperity, and the church in unitie, and to have mercy on his soule.

Rising, delivered these commands for his Children.

To his sonne, William Wentworth, commends himselfe; gives him charge to serve his God; to submit to his king with all faith and alliegance in things temporall; to the church in things spirituall; gives in charge, as he will answer it to him in heaven, never to meddle with the patrimony of the church, for it will be the cancer that will eat up the rest of his estate: againe, charges it, as he will answer him in heaven.

FINIS.

The Earl of Straffords Speech on the Scaffold, before he was beheaded on Tower-Hill, the 12th of May, 1641.

My lord primate of Ireland, (and my lords, and the rest of these gentlemen,) it is a very great comfort to me to have your lordship by me this day, in regard I have been known to you a long time. I should be very glad to obtain so much silence, as to be heard a few words, but I doubt I shall not, my lord. I come hither by the good will and pleasure of Almighty God, to pay that last debt I owe to sin, which is death, and, by the blessing of that God, to rise again, through the merits of Christ Jesus, to eternal glory. I wish I had been private, that I might have been heard, my lord: if I might be so much beholding to you, that I might use a few words, I should take it for a very great courtesy. My lord, I come hither to submit to that judgement which hath past against me; I do it with a very quiet and contented mind: I do freely forgive all the world; a forgiveness that is not spoken from the teeth outward, (as they say,) but from the heart: I speak it in the presence of Almighty God, before whom I stand, that there is not so much as a displeasing thought in me, arising to any creature: I thank God, I may say truely, and my conscience bears me witness, that, in all my services, since I have had the honour to serve his majesty in any employment, I never had any thing in my heart but the joint and individual prosperity of king and people; if it have been my hap to be misconstrued, it is the common portion of us all, while we are in this life; the righteous judgement is hereafter; here we are subject to error, and apt to be misjudged one of another. There is one thing I desire to clear myself

of, and I am very confident, I speak it with so much clearness, that I hope I shall have your Christian charity in the belief of it; I did always ever think the parliaments of England were the happiest constitutions that any kingdom, or any nation, lived under, and, under God, the means of making king and people happy; so far have I been from being against parliaments. For my death I here acquit all the world, and pray God heartily to forgive them; and, in particular, my lord primate, I am very glad that his majesty is pleased to conceive me not meriting so severe and heavy a punishment as the utmost execution of this sentence; I am very glad and infinitely rejoice in this mercy of his, and beseech God to turn it to him, that he may find mercy when he hath most need of it. I wish this kingdom all the prosperity and happiness in the world: I did it living, and now dying it is my wish. I do now profess it from my heart, and do most humbly recommend it unto every man here, and wish every man to lay his hand upon his heart, and consider seriously, whether the beginning of the happiness of a people should be written in letters of blood. I fear you are in a wrong way; and I desire Almighty God that no one drop of my blood may rise up in judgment against you.

(My lord) I profess myself a true and obedient son to the church of England, to that church wherein I was born, and wherein I was bred; prosperity and happiness be ever to it: And whereas it hath been said that I have inclined to popery, if it be an objection worth answering, let me say truly, that from the time since I was one-and-twenty years of age, till this hour, now going upon nine-and-forty, I never had thought in my heart to doubt of the truth of my religion in England, and never any had the boldness to suggest to me the contrary, to the best of my remembrance. And so being reconciled to the mercies of Christ Jesus my saviour, into whose bosom I hope shortly to be gathered, to enjoy those eternal happinesses that shall never have end, I desire heartily the forgiveness of every man, both for any rash or unadvised word or deed; and desire your prayers: and so, my lords, farewel; farewel all the things of this world: Lord strengthen my faith, give me confidence and assurance in the merits of Christ Jesus. I desire that you would be silent, and join in prayers with me; and I trust in God that we shall all meet and live eternally in heaven, there to receive the accomplishment of all happiness; where every tear shall be wiped from our eyes, and every sad thought from our hearts: and so God bless this kingdom; and Jesus have mercy upon my soul.

The Speech of Thomas Earl of Strafford, intended to be spoken on the Scaffold the day he was beheaded, (May 12, 1641); but being interrupted, he delivered it to his brother Sir George Wentworth, from whose Original Copy, under the Earls own hand, this is word for word transcribed.

People of my native country, (I wish my own, or your charity, had made me fit to call you friends,)

It should appear, by your concourse and gazing aspects, that I am now the only prodigious meteor towards which you direct your wondering eyes. Meteors are the infallible antecedents of tragical events, and do commonly level their malevolent operation upon some remarkable person. At this present time, I am become my own prodigy, and the crossed influence will appear in my (too sudden) execution; and this fear is only left me, the consequence will produce a greater effusion than mine. I would to God, my blood would cure your sad hearts of all their grievances, (though every drop thereof were a soul, on which a life depended;) I should render it with as much alacrity as some (nay, the most) of you are come to triumph in my fatal extirpation.

In regard I have been by you, (my native country, whose wisdom and justice, in respect of the generality of it, is no way questionable,) voted to this untimely end, I have not one syllable to say in justification of myself, or those actions for which I suffer; only, in excuse of both, give me leave to say, my too much zeal to do my master service, made me abuse his regal authority; and howsoever I have been one most unfortunate, yet, at all times, a favourite in the prosecution of my places and offices; and yet (as I shall answer before the dreadful tribunal whereunto your just anger hath before nature doomed me) my intents were fairer than my actions: but, God knows, the over greatness of my spirits severity, my government, the witchcraft of authority, and flattery of multitudes to sharpen it, are but ill interpreters of my intentions; which, that you may believe, I have no argument but improtestation, which hath but this circumstance to confirm it, that it proceeds from a dying man.

If I should take upon me to make a relation of all the particulars of my arraingnment and attainder, it would but too much prorogue your longing expectation of my shameful death: besides, it would be needless, in respect I should but say over again what I said before the parliament, (and perhaps be as little believed,) though the terms on which I then answered be far different from my attestation now, (that being before my condemnation, and this after it.) Besides, there were multitudes to catch it, as fast as I uttered it, (and doubtless you shall have it upon every stall-book-post); for I have been, and, whilst I breath, am the pestilence which rages through your minds, your estates, and trades; and you will be ready to read the bills of your own losses, though the disease that brought the destruction be removed.

Having nothing in this world but a little breath, which within a few minutes is to be expired, I should not use it to this purpose, but that custom upon these directions prescribes my warrant for it; and further, that I might be an example to great persons, that they may know the favour of a great king is not equivalent to the breath of nations; and that it is a thousand times better and more noble for a lion to play with

a glove, than tear it; nor is it proper for a dove to soar with eagle's wings; and the rather, because the necessity of the times requires that I should die, only for example.

He that gave conscience to you all, (that are willing to accept it,) my royal master, did in his own conscience once declare me guiltless of these facts for which this death is come upon me: but heaven, that hath made your general clamours the organ of my destiny, thought me not worthy to enjoy this life I have abused; and from your voices, as from the lips of oracles, I have received my woful doom, wherein my charity (at this hour) cannot, nor will accuse you of the least injustice: but still I trench upon your patience, and linger in the thing you came to look for,—my death.

A little, little more, and I have done. For a testimony of my faith and religion, be pleased to understand, that I have professed and do (now) die in the true protestant religion, not in any points deviating in my belief from the fundamental grounds of the true protestant religion, professed, maintained, practised, and authorised by the church of England. I would say more of this, but that I desire my private ejaculations may be my last meditations, only because I know there is not any one of you at odds with my soul or person, (though with my facts and vices). I cannot doubt but your humanity and charitable inclinations will afford me your devout prayers, for my Saviour's sweet mercy. Good people pray for me, even for my eternal Saviour's sake, into whose bosom I render my woful and afflicted soul. Sweet Jesu, my redeemer, (the redeemer even of me, a woful and dejected sinner,) receive into thy arms my spirit.

A reasonable Motion in the behalfe of such of the Clergie as are now questioned in Parliament for their Places.

Printed in the unfortunate Yeare to Priests, 1641.

The various treatises which follow are of a popular nature, and tend to shew how long the rage of party persecuted Strafford, even in his ashes. They are printed from rare copies in the editor's possession, and adorned with wooden engravings worthy of the stile and composition. Laud had been imprisoned about the same time with Strafford, but was not executed until four years afterwards.

The only interview which really took place between those two illustrious prisoners was as Strafford passed to execution. He stopped below the window of the archbishop's apartment, and besought his blessing, which Laud conferred with a flood of tears. This poem, if such doggrel deserves the name, appears to have been popular.

Vouchsafe (great lords) with patience for to hear
Our just request, which we present you here.
'Tis said abroad that you the church would free
Of sundry faults, which in the same there be;
But that it's feard, and you perhaps conceive,
A change of things we priests will not receive;
But will stand out for things we former had,
And doe them still, though you shall thinke them bad

But we doe hope, by this to make it cleare,
That no such thing of us you need to feare;
For we (like Scots) will not such things put by
As are impos'd by soveraigne majesty;
Nor are we like the puritanish sects,
Who'll doe no more than what the word directs.
We never yet have shew'd our selves so ill,
But what the state enjoyn'd we did it still;
And that your honours may be sure of this,
We can produce the ages past for us.
You know King Edward did the masse put downe,
And set the service-booke up in the roome:
We then the clergy of the land throughout,
Forsooke the old and took the newer up.
When he was dead, and Mary had the crowne,
Then up goes masse, and service it comes downe;
Yet we sir priests, as men of quiet spirits,
Obey'd the prince, and turn'd unto our vomits.
Some few yeares after, Mary being dead,
The crowne is set upon her sisters head;
Now shee againe puts downe the idoll masse,
And hath the service, as before it was:
To this our father priests did then submit,
Though most perhaps did minde it was not fit:
Yet what the state did thinke for to be best,
They question not, but do't, and therein rest.
What they have done, we meane the like to doe;
Conforme our selves to things confirm'd by you.
If you put downe our bishops from their chaire,
Their liturgie, and courts, and other geere,
What next by you shall be enacted then,
Shall be observ'd by us the clergie men;
But if you please to have them yet stand still,
We are content, and yeeld to them we will.
For government and worship, what care we,
Or rites and orders what in church there be;
Our care is onely for to keep from wants;
For conscience here we leave to puritants:
And this we judge to be no wise mans case,
To deeme his conscience better than his place.
The canons late which were on us impos'd,
By you are thought not fit for to be us'd;
Yet we (sir priests) did stand so much in aw,
And that we meant to yeeld unto their law:
And ere that we will leave our gainfull trade,
We'll stoop to all what ere by man is made.
Therefore, brave lords, as you in court now sit,
So let religion be as you thinke fit.
We take no thought this way about Gods will,
But how to keepe our benefices still;

And hope we doe, although the better part,
To cast us out can finde it in their heart.
Yet there are some will speake for poore sir Johns;
For lazy dogs, old priests, and idle drones;
For puralists, non res'dents, and such men;
The clergy now consisting most of them:
And cause there is the matter should be so;
For if turn'd out, (alas) what shall we doe.
It's now so long since we forsooke the trade
Of cobling, weaving, thatching, and the spade,
That for to worke our bodies are unfit;
Nor can we bring our hearts at all to it.
If we therefore must let our priest-hood fall,
This then we beg most humbly of you all:
That still we may enjoy our belly cheare,
And idly live, without all worke or care:
And if your honours will but grant us this,
We are content, if you will us dismisse;
For we came to the place for conscience sake,
As to be fed, and labour none to take:
But yet we thinke, much better it will be,
That in the priest-hood left alone be wee;
For if the puritaines, the onely men,
Who wish us out, so that they may come in,
Does get but once into our place and roome,
They will not doe as we (poore fooles) have done:
They are (forsooth) so scruplous in their wayes,
That if it be against Gods holy lawes,
They will not doe it, no, although it be
A thing required of his majestie:
But as for us, our carriage is not so;
If state command, we never say it no.
And this we dare affirme, there is no where
A more time-serving clergy than is here.
When our sweet bishops had by act obtain'd,
To have Gods holy day with sports profan'd;
Although the purer sort against it taught,
Yet we confirm'd, although we knew 'twas naught.
What ever Laud devis'd, and on us cast,
We did the same to hold our livings fast:
And we fore-saw what further was his hope,
To bring us all in service to the Pope;
Which thing if he had once but brought to passe,
To yeeld thereto our full intentment was.
And thus we have your honours made to see,
Why in the priest-hood we should suffered be;
Namely for this, and nothing else at all,
There's nought so bad, but yeeld thereto we shall.

——*Quid rides? mutato nomine de te*
Fabula narratur.

The discontented Conference betwixt the two great Associates, William Archbishop of Canterbury, and Thomas late Earle of Strafford.

Printed in the Yeere 1641.

Straff. God save your grace: How doe you doe?
Cant. My lord, I thanke you, well as you.
Straff. I have not seene your grace of late
So full of mirth, may't auspicate
Some good event, and such as we
May by it finde our liberty:
The proverb him unwise doth hold,
Who loves his fetters, though of gold.
Cant. Last night (my lord) some nobler dreame,
Then did to sanguine, choler, phlegme,
Or unto melancholy owe
Its birth, did on my fancy grow:
Me thoughts I was in Oxford, where
Lord chancellours name and power I beare:
What shouts saint Johns there to me gave,
My gladded eares yet ringing have;
I heard their labouring joys, and throng
Of praises, both in prose and song:
And as me thought from thence I came
To Lambeth, I still heard the same
So loud, that eccho from White-hall,
Return'd them to my Lambeths wall.
Straff. In such a dreame, O who would keep
A noyse to break your graces sleep!
And though dreames erre, yet may this be
To you a happy prophesie,
And such a one as may prove true,
And faire unto my selfe as you;
For so by one compact of wit,
Our counsells were together knit
So close, so even, they did goe
To worke the common-weale its woe,
We cannot well our selves define
What plot was yours, or which was mine;
They were each others in-mates, twins
That vy'd which most should number sins;
Both slept, both wak'd at once, and whether
They lost or won, both play'd together.
Cant. My lord, you rage.
Straff. You cannot call
Truth a disease, or rage at all:
Truth neither can, nor will deceive you.
Cant. Farewell my lord, for I must leave you.

Straff. Yet stay a while, and give to me
Once more your benedicitee:
I must confesse I did begin
To chide, but now forget my spleene.
Cant. It doth increase my joy, and sure
The joy may well your praise procure:
How thinke you would this kingdome flout,
To heare we two were falling out?
Come, be yourselfe, relate at length
What arm'd recusants, what new strength
May come from Ireland to relieve
Our dying faction.
Straff. Never grieve
My settled soule: I doe not know
That root on which one hope might grow:
But in conclusion there must be
A rope for you, an axe for me.
Cant. Was this your so well-grounded guesse
Of our increasing happinesse?
Ends thus your boasting, that you could
Get money, men, or what you would,
To curb the insolence of those
That were, or would become our foes?
False Straffords earle.
Straff. Stop there, your grace
His tongue doth trot too round a pace.
Looke, looke abroad, can you now see
No patent, no monopolee;
All your projects, all your fine
Devices, sick as medium wine?
Can now no more Lauds laudlesse might,
The parson from the pulpit fright,
The subject from the kingdome? What
Could ruine doe, which you did not?
Cant. There's something yet undone, 'tis true,
But shortly to bee done to you:
Each guard you have (for 'tis the will
Of fate to have you guarded still,)
Shall serve the minister of your doome,
Your executioner, not your groome:
Your head, that mastered so much art,
Ere long shall from your shoulders part;
Your bloud your scarlet must new dye;
Your spurres fall off, your ermines flye;
And of so great, so fear'd a name,
Scarce left a man that loves your fame.
Straff. So, so (my lord); my heart is glad,
I owne, that griefe your grace can mad.
Your head no doubt, is growne the lighter,
Since dis-invested of the miter:
It was too proud a weight, and knowne
To nurse bad thoughts; 'tis better gone.

The shepheards on their sheep-hooks laugh,
And doe upbraid your crosiers staffe:
No more your now deafe chaplaines harke
What houre shall speake your patriarke.
Cant. Farewell, farewell; your time calls on;
Speake thoughts more sanctifi'd, or none:
'Tis you must lead the way, and I
Shall follow after by and by.
Straff. My lifes short knarled thred doth stand
Expecting fates impartial hand:
Heav'n hath my thoughts (my lord); yet stay;
Shall we nere meet againe?
Cant. We may:
There's roome enough in heaven for two
Have more transgrest than I or you:
But I what time and place forbeare
To name; 'tis God knowes when and where.

FINIS.

The Downfall of Greatnesse for the losse of Goodnesse.

In this (as in a mirrour) you may see
Wentworth want worth, his life and tragedy;
He was a peere, once pillar of this land,
Who a whole kingdome had at his command;
Indeed, what had he not? the confluence
Of all things make man happy, eminence
'Bove others, learning, knowledge, eloquence,
The favour of his prince, familiaritie
With his peers, he had volubilitie
Of his tongue, with the strength of memory,
Honours, offices, wealth, and potency.
He was a man of admirable parts,
Expert and skilfull both in armes and arts;
Souldier and scholler able to compare
With *Ajax* or *Ulysses* for his rare
Perfections; a grand councellour of state;
Counsell might make him see, not shun his fate.
This great mans execution long expected,
Did come at last, and quickly was effected:
So mortall was his life, that daring death
Depriv'd him at one stroake of vitall breath.
Why then, hayle death! Lord of the land of clay!
Emperour of churchyards, king of Golgotha!
Seeing neither armes, nor arts, nor Cæsars smile,
(Whose glorious beames doe bliss this British isle,)

Could guard him from deaths fatall blow: fix this,
Oh truth! in every statists soule, all blisse
Borrow'd from breath is transient: even as boyes
With cards build castles, so titles are but toyes,
Erected, and straite ruin'd with a breath;
But vertue survives marble, time, and death.
Honours are bubbles, phantasmes that delude
Dull soules; by them stout Strafford was subdude:
His haughty mind aspiring got a fall
So ponderous, that it caus'd his funerall.
Unfortunate he was from's mothers wombe,
And so continued hath unto his tombe.
Some are slaine by ambition, some by lust;
He like a stone was cut in his owne dust.
His rule in Ireland, 'tis well knowne to all,
Was potent, tyrannous, and tragicall.
His life was a sad play; his mothers wombe,
From which he was enter'd, was the tyring-roome,
Wherein with natures gifts he was so drest,
That had he acted well, he had been blest
To all eternitie; happy had he bin,
Had he consider'd but the stipend of sin,
And call'd himselfe t'account unto his master;
H' had not then met with any such disaster.
But wretched man himselfe of's selfe bereaves,
And like a silke-worme his owne sorrow weaves;
So inconsiderate and stupid, that he
Seldome prevents his future misery.
Carelesse and dreadlesse, 'twas his malignant fate,
Instead of love, t'incurre the peoples hate;
That hasten'd his death. May his example prove,
There is no happinesse on earth like love:
May it warne great men, who are high in blood,
To be as i'the state great, so in minde good;
And may it be a caveat unto all
That stand, to take heed least like him they fall.
Oh, what is glory? or the life of man?
Much like a vapour, far lesse than a span.
What's th' earth's pompe? a ship of vanitie,
In which man sayles through a sea of misery,
And never is in happinesse, or rest,
Till he land at Heavens haven, that port blest.
He that does well, and's constant, he shall find
Peace in his conscience, comfort in his mind.
He that does ill, let him remember this,
There is a thing call'd direful Nemesis:
Judgement (though slow) is sure; and honours flood
Ebbes into ayre when man is great, not good.
View it in him, whose splendour was we see
A well-writ prologue to his tragedy.

A Postscript to the Precedent Poem.

The fayrest prospect unto honour lyes from the hill of vertue, and the best way to happinesse is in the high rode of holinesse. He that lives well, cannot dye ill; and 'tis not what a man has, but what he is, that makes him shine an eminent starre in the sphere of the state.

Stemmata nil faciunt, as the poet acutely; *et nobilitas sola est atq. unica virtus;* 'tis onely vertue which is the truest nobilitie, and that which makes man really noble. Hence it is, that *nobilitas parta* is farre better than *nobilitas partu:* to be borne great, and to live sordid, is ignominious and wretched; but merit, and the noble actions of the mind, farre transcend the generositie of high-borne progenitors. *Hinc illæ lachrymæ;* that from a pure fountaine should spring a foule streame, from a good roote a bad branch, 'tis much to be deplored. So true is that of the princely prophet; "Man being in honour, hath no understanding, but is like the beasts that perish." 'Tis verifyed in the subject of this discourse. *Honos* to him was *onus;* his preferment, his perdition, his pompe was his paine, and his rising his ruine. The higher he was, the heavier was his fall: with Phæton he soar'd too high, and with him ayming at the sunnes sphere, to be mounted in Charles wayne, from the altitude and utmost pitch of majestie, he fell to the profunditie, extremitie, and abysse of misery. Had he been holy as he was honourable, righteous as rich, pious as politique, and as prudent for the state as he was pestilent to the state, he had been the grace of his countrey, the glory of his age, and a mirrour of succeeding generations, to his eternall fame; had he been what he was not, he had never arriv'd to such a sad disaster as he did.

He was a man of admirable abilities; eloquence, learning, courage, and valour, were his servants to command; all which he might have imployed to the glory of God, the honour of his majestie, the good and benefit of the church and common-wealth; but he perverted those good endowments which nature and the God of nature was pleased liberally to conferre upon him, and imploy'd them to his owne ends, for the effecting and accomplishing of his hainous doings, and facinorous designes.

His capitall crimes were ambition, pride, injustice, crueltie, and treachery, *cum multis aliis*, which, for brevitie sake, I omit. He endeavour'd to subvert the lawes, the ancient and fundamentall lawes and government of the kings realmes of England and Ireland. And whereas he alledged at his tryall in Westminster-hall, that he never introduced an arbitrary and tyrannicall government, although he hath not effected it, (God be thanked, being prevented,) yet he intended it. He exercised tyrannous and exorbitant power above and against the lawes, over the liberties, states, and lives of his majesties subjects. He was the firebrand and incendiary of the warres between the two kingdomes of England and Scotland.

The better to preserve him and his confederates, he labored (as much as in him lay) to dissolve parliaments, and to subvert the rights, liberties, and priviledges of parliaments, and the ancient course of parliamentary proceedings. He who was under the law did assume to himselfe a power above law, yea, without and against law. He was a terror to the citie, and an eye sore to the country: his looke was grimme, his anger intolerable, and his rage implacable. He was tyranny in the abstract, without any bowels of compassion. How many honest men did he cause to be committed? compelling the great councell of the kingdome of Ireland to condescend to his commands, trampling on the peeres, oppressing his majesties subjects, and insulting over people of all ranks, qualitie, and condition whatsoever. When he was first sent into Ireland, with commission and authoritie, it was not long after but he pursued his intents, and produced them into act. Such horrid offences and nefarious crimes did he perpetrate and

commit, of so exorbitant and transcendent a nature, that they indanger'd a generall insurrection against majestie it selfe. To contract what I might protract, he attempted, at one blow, the ruine of the three kingdomes, and their posteritie, to bring them into perpetuall captivitie, which is treason, and in the highest degree. These were his plots and projects, these were his crimes and offences, for which, by the high and honourable court of parliament, he was convicted, and condemned to suffer death, in the place and on the day before mentioned.

Jam illum premit nox, the sunne of his summers day is now set, and the sad night of dreadfull death is come upon him. Let not the headlesse multitude (or rather that many-headed monster, *bellua multorum capitum,)* censure and condemne this great man, as one utterly lost. We ought to judge charitably of him, who dyed in the feare of his Maker, and faith of his Redeemer. He had sweet Christian expressions of his repentance, of faith, his obedience and humble subjection to the will of God. Without doubt, God did open his eyes, both before and at the houre of his death; and though his latter dayes were his bad dayes, yet (in the judgement of charitie) his last day was his best day.

FINIS.

A Description of the Passage of Thomas Earle of Strafford over the River of Styx, with the Conference betwixt him, Charon, and William Noy

Printed in the yeare 1641.

The celebrated Sir William Noy, attorney-general, whose name was thus anagramed: "*I moil in law.*" He was a profound lawyer; but there his praise began and ended. To his ill-omened labours Charles was indebted for the device of ship-money, and other illegal expedients for raising supplies without the aid of parliament. Sir William Noy died 9th August, 1634. He left his younger son 100 marks yearly, and 500l. to breed him up in the law, and concluded his will with this extraordinary clause: *Reliqua meorum omnia primogenito meo Edoardo dissipanda lego, nec melius unquam speravi ego.*

A Dialogue, &c.

Char. In the name of Rhodomont,[1] what ayles me? I have tugged and tugged above these two houres, yet can hardly steere one foot forward: either my dried nerves deceive my arme, or my vex'd barke carries an unwonted burden. From whence com'st thou, passenger?

Straff. From England.

Char. From England? ha, I was counsaild to prepare my selfe, and to trim up my boat. I should have work enough, they sayd, ere be long from England: but trust me,

[1] Radamanth, it may be presumed.

thy burden alone out-weighes many transported armies: were all the expected numbers of thy weight, poor Charon well might sweat.

Straff. I beare them all in one.

Char. How! beare them all in one? and thou shalt pay for them all in one. By the just soule of Rhodomont, this was a fine plot indeed: sure this was some notable fellow being alive, that hath a trick to cousen the divell being dead. What is thy name? (Strafford sighes.)

Char. Sigh not so deepe: take some of this Lethæan water into thy thinne hand, and soope it up; it will make thee forget thy sorrowes.

Straff. My name is Wentworth, Straffords late earle.

Char. Wentworth! O, ho! thou art hee who hath beene so long expected by William Noy; he hath beene any time these two moneths on the other side of the banke, expecting thy comming daily.

Straff. Knows Charon Noy so well?

Char. Know him? I, I warrant you he is knowne here very well: he can no sooner get out of the lawyers company (as we have aboundance of your lawyers here) but you shall have him sometimes with boyes at nine pinnes, sometimes he will be fudling with a tinker, sometime he hath a crotchet to venture a fall with a wrastler, though hee be sure to get the fall himselfe: he is for all companies: hee serv'd me such a tricke the other day.

Straff. What was it, Charon?

Char. Tell thee, and thou wilt go neare to shew me such another tricke thy selfe before I part with thee; thou lookst just of his complexion. Marry, he had begot a whimsey, what do you call it, a project, I, a project, that out of the small incomes that I receive, which is but a halfe-penny a ghost, I should pay a penny out of every passenger I do transport, as a gratification, or rentage, to great Pluto: but had hee come under the reach of this my Ebon oare, I would have so spread his shade. Looke yonder where hee is.

Straff. Charon, take there thy waftage hire.

Char. What! but one halfe-penny; I thought he would have payd me for a thousand at least: this is just poore ferrimens fortune; when they have once landed their passengers, they may look for their fare where they can get it. Well, goe thy waies for a heavy ghost: neither Pompey the great, nor Alexander before him, did make my boat draw so deep: I doe not think but that hee hath devour'd three kingdomes, and beares all the excrement and garbidge of them along with him. [*Exit.* CHAR.

Straff. Either my discontinued eye or my remembrance much deceiveth me or your name is Noy.

Noy. My lord, when last I saw you, you were but Sir Thomas Wentworth; since, I have understood, the royall favours of his majesty, meeting with your merits, hath made you Earle of Strafford. It was a dignity which your abilities and your vertu well may chalenge.

Straff. An undeserved grace, sir, which his majesty was pleased to conferre upon me: the eye of my prince is like the eye of heaven, shines where he lists, and looked with as much influence and glory on me, his lowest shrub, as on the proudest cedars.

Noy. It is most true; nothing can parallell his royall vertues but themselves; but (my lord) pardon my curiosity, whose rudenesse would enquire what late newes doth our climate vent?

Straff. The last newes is of my selfe.

Noy. It must needs be then a history that is full of honour.

Straff. It might have beene so, Mr Noy;

But as a desperate merchant, when he may
Saile with successe to his desired port,

Doth rather choose a day of winde and darkenesse,
A day of tempest, when the angry sea
Tilts her bold billowes 'gainst the baffeld clouds,
Deafes the fierce thunder with their lowder roare,
And puts the fire out from the lightning skies,
Too late repenting of his rash advise,
Findes himselfe fast lock'd within the armes of death;
So I, when honours circled me, and peace
Did wooe my safety with a curteous smile,
I rather choose to seeke out wayes to danger,
T'untye three realmes, and with a fatall trip
Ungrounde the foote of justice and the lawes,
To waken warre, and from her brasen den,
To rouse my thunders from the canons mouth,
And thus adventur'd whilst my barke touch'd heaven,
Seas upon waves, and waves surmounting seas,
They danc'd me downe into a vast abysme,
Where I lay dockt in quicke sands to imbrace

A certaine ruine. Doe you remember the petition of right, Master Noy?

Noy. Yes, very well, my lord.

Straff. Oh, had I there continued, I might outlive all danger, and secure my right, nor in the honours of my thriving name, had I need doubt my fate, or lose my fame; Strafford had lived, though your preventing fate, that did my doome and death anticipate, call'd for a curteous dropsie.

Noy. My lord, I thanke God I descended into the sleep of death, though not a sound, yet a whole carcasse.[1]

Straff. But I dismembred lost my spited head.

Noy. My lord, me thinkes so vast a spirit as yours could do good service without a head.[2]

Straff. What odde conceit rides on your fancy now?

Noy. My lord, I will tell you, and, since example is the most legible character, give you an instance: how many hundred yeares hath Atlas borne heaven upon his shoulders, yet I could never read of any head of his that was ever seene? I know, my lord, you have undertaken taskes would have made proude Atlas stoope.

Straff. And some of yours are imputed unto me: had I any hand in such and such patents and monopolies, Master Noy? had I any plot at all in the ship-money, and in many more projects that I could name, which took their originall all from you?

Noy. Your lordship may use what liberty of speech you please; but doe you thinke that my lord's grace of Canterbury is so pleasant above?

Straff. No, no, all the mirth is with you Netherlanders:

He, like the Roman Anthony, when hee
Try'd his last fortunes in sad Actiums fight,
And left the grappling eagles and his honour,
To flye in's beauteous Cleopatra's boat,
And quite asham'd that any one but shee
Should owne that fame to conquer Anthonie;

[1] "Though he had good matter in his brain," says Howell, speaking of Noy's death, "he had, it seems, ill materials in his body; for his heart was shrivelled like a leather penny-purse when he was dissected, nor were his lungs sound."

[2] Richelieu observed more justly, on the same occasion, that the English nation were so foolish, they would not let the wisest head among them stand on its own shoulders.

His heart quite broken, and his head bow'd low,
Whiles eightscore minutes were in numbring out
Their measur'd sands in the just glasse of time,
Durst not looke up towards heaven, nor tempt her eyes,
Her eyes to him a thousand thousand heavens,
More deare then thousand conquests;
Just so his grace, his sadded head being layd
On both his hands, his elbowes on his knees,
Will silent leane two or three houres together;
And in that posture (sad), he now must leave her,
Stoopes to his idoll, greatnesse.

Noy. Are there no more, my lord, of your party?

Straff. Yes, I believe, many; but this present parliament hath more eyes then Argus, more cleare then Lynceus, and as powerfull as the sunne, and should their numbers grow up like so many hydra's, they can at once both observe them, and dispell them.

Noy. My lord, how thrives the Romish faction?

Straff. Troth, I think, but little; and I beleeve it is likely every day to grow lesse and lesse; the grave deportment of the fryers, the sanctimonious pretences of their priests, prevaile but little, and worke in the people rather a suspition then an imitation. It is thought, besides, that even from the gownes and cowles did arise the first grudgings and beginnings of the warre.

Noy. I understood, indeed, that some priests were severely looked after; that newes I heard from Mercury.

Straff. Now you talke of Mercury, there is a pretious generation of Mercury's above.

Noy. Of Mercury's? they are a people never before heard of, a sect which no age ever understood. I beseech your honour to instruct me who and what they are.

Straff. Why, there are men Mercury's, and women Mercury's, and boy Mercury's, Mercury's of all sexes, sorts, and sizes; and these are they that carry up and downe their pasquils, and vent them unto shops.

Noy. How is that taken?

Straff. I know not; but their takings, I beleeve, are good enough: but had they carried abroad such ware a yeare agoe, these Mercury's had need in earnest to put wings unto their feet to make more haste away.

Noy. They may doe well to read Lucian; he will teach their pamphlets wit and innocence.

Straff. The divell he will; excuse me, Mr Noy; not too much innocence, I beseech you; but let them write even what they will; the dead bite not, and if they bite not, the dead I care not.

Noy. Will your honour vouchsafe to draw unto our quarters; it will make good sport for your lordship to observe what devout cringes on their first comming the atturney's and the scriveners make to their little god Sir E. C.;[1] how, with both hands lifted up, as he passeth by them, they will mumble their pater nosters to him.

Straff. Pish! I neither need such company, nor desire it.

Noy. In what place then will your honour chuse to make your residence?

Straff. In any place, so that I might have that which I come for,---rest.

[1] Sir Edward Coke.

Great Satisfaction concerning the Death of the Earle of Strafford, in a Discourse betweene a Scottishman and a Jesuite; with a serious Consideration of certaine Conclusions observed from his last Speech upon the Scaffold.

I Follow the last speech published, appealed to the lord primate of Ireland, Earle of Cleveland, Earle of Newport, Lord Rich, &c. observing the heads according to the paper by himselfe left upon the scaffold.

Scot. Jesuit.

Scot. I pray you, sir, what is the matter? from whence come all these people so fast?

Jes. Doest thou not know? every child can tell, through the whole city, that they came from the execution of the Earle of Strafford.

Scot. Why, is the Earle of Strafford dead?

Jes. He is beheaded upon the scaffold at Tower-Hill. He is dead, sure enough; God comfort him.

Scot. A, my saule! I am glad on't with all my heart: the Earle of Strafford is dead? the best news that ever I heard in my life: Ile away into Scotland, ham as fast as I can, and tell my grannum this newes. Ile tosse my cap for joy.

Jes. Why doe you Scottishmen so envy the Lord Strafford?

Scot. We doe not, nor never did envy his person; but he was one of the troublers of the 3 kingdoms, which could never be setled for him, and such as he. But I pray you, sir, tell me one thing: Did he dye well, and make a good end?

Jes. He made an excellent speech, and left us a worthy patterne against we dye.

Scot. I pray you, what said he?

Jes. He first made a short preface to the lord primate of Ireland; but the people made a noyse, and interrupted him.

Scot. But what said he? Did he repent, and confesse his just-deserved death to be inflicted upon him for offending God?

Jes. The first head of his speech was, concerning his comming to pay the last debt we owe to sin, according to St Paul's saying, "we are all subject to death." 1 Cor. 15. 22. Now he did confesse, that he came thither by the good will and pleasure of Almighty God to dye, as it is, Heb. 9. 27.

Scot. But, pray you, tell me, did he yeeld up his spirit in the faith of Christ, under the hope of salvation by him, with repentance for all his sins? Revel. 14. 13. Did he fall a sleepe in Christ? 1 Thes. 4. 13. What was the rest of his speech?

Jes. 2. He spoke concerning his rising to righteousness: "There is a glorified righteousnesse, through Christ, in the world to come, both perfite and inherent." Psal. 73. 24. And the Earle of Strafford did declare himselfe, that he was confident, by the blessing of God, to rise againe, through the merits of Jesus Christ, to righteousnesse and life eternall.

Scot. But did he before his death profit in true righteousnesse and holinesse, by meanes of those chastisements that God laid upon him, or, if you will, that his sinnes brought upon him in this life? Did he behold the majesty of the Lord in the sentence of his death? Isay, 26. 9, 10, &c. It is not a flourishing vapour that brings a man to heaven: but, I pray you, proceed in his speech.

Jes. In the 3. head, he did expresse that he did dye willingly. Now there is such

a power in the resurrection of Christ, which hath loosed the sorrowes and discontents of death, and makes a man to dye willingly, Acts 2. 24. And thus did he declare himselfe to be loosed from the sorrowes of death, insomuch that he submitted himselfe to it with a very quiet and contented mind.

Scot. Now, here is the matter. Was he first wounded for the offence, then reconciled to God by the death of Christ, before he died; and, rejoycing before the Lord, did he receive the attonement through Christ? Rom. 5. 10, 11.

Jes. In the 4. place, he forgave all; which is the property of God's children; they forgive all, and of an humble mind, forbearing and long-suffering. Col. 3. 12, 13. Thus did the Earle of Strafford freely forgive all the world, and that, he expressed, he did not from the teeth outward, but from the very heart, protesting, before Almighty God, that there was not a displeasing thought in him towards any creature.

Scot. That was very good; but, did he find true testimony from God's spirit in the forgivenesse of his owne offences against God, and against his people; confessing his sins humbly and without guile, and powering out his soule before the Lord, till God sealed him a pardon? Psal. 32. I pray you proceed in his speech.

Jes. He wished, in the 5. place, nothing but prosperity to king and people; upon which particular he was something large: the 1. part whereof concerned his place as he was deputy. Now, as the scripture saith, "Fidelity to the king, and true judgement to the people, are weighty matters of the law," which concerned his place, and ought by him to be done. Mat. 23. 23. And herein he glorified and thanked God that he could say from his conscience, that he (in his place) never had any thing in the purpose of his heart, but what tended to the joynt and individuall prosperity of king and people.

Scot. Well, well, all is not gold that glisters, nor are all saints that have fine tongues: rhetoricke and policie will not justifie a man before God. Had he sought the publick tranquillity of the king and people in peace and truth, and the quiet state of the church of God, he would not have laboured to bring in, but to have freed it both from forraine and civill warres. 2 Kings 20. 19. It is a strange and unwarrantable way for any that professe themselves Christians, to seeke the joyning of king and people together, and the prosperity of both, by confirming errours in the church, and by persecuting, tyrannie, slaughters, and bloody warres, to force the people to obey by constraint. Psal. 23. 1.

Jes. The 2. place, he declared himselfe to be misunderstood; and Moses's law shewes, that judges ought to keepe themselves from false matters, and from putting to death the innocent and righteous. Exod. 23. 7. Now the Earle of Strafford conceived himselfe to be mis-judged, imputing it to the errour of misunderstanding him.

Scot. I am very sorry to heare that he was no more penitent, having so many hainous crimes proved against him; as, to overthrow the right of law by exorbitant power; to take away mens estates by force; to proceed against the lord Mount-norris without all course of law or justice; with divers other articles, proved at large against him: alas, alas! that he should be so blinded to speake such a peremptory word: will he make his own unjust proceedings, contrary to law, to be justifiable, and condemne the sentence so justly denounced against him, so justly and true? Surely hee thought all was but in jest, or, that his golden mouthed language would save his life, or some end he had best knowne to himselfe; for he could not be ignorant of his just deserved censure, according both to common-law, statute-law, and parliament; but, indeed, every one almost held him an enemy to all these.

Jes. He shewed himselfe, in the 3. place, to approve of parliaments. There is one thing saith he, I desire to free myselfe of, and I am very confident that I shallbee beleeved: I did alwaies thinke the parliaments of England were the happiest institutions that any

kingdome or nation lived under, and, next under God, the best meanes to make the king and his people happy ; so farre have I been from being against parliaments.

Scot. So farre ! that is as much as nothing ; he thought so, and he said so, and he knew so. David thought Uriah happy in having so faire a wife ; he knew and was sensible of the delight that was to be found in her; but what did that make for Uriah ? he lost his wife by David's taking notice of it, and his life too. So what is that ? The Earle of Strafford knew how happy the parliaments of England were for the king and people, and upon such his knowledge to hinder and stop them, and to labour to deprive the land of them ; using meanes to have the strife ended by warre and blood, rather than by parliament and peace. But, I pray you, sir, will you be pleased to proceed to the rest of his speech?

Jes. 6. He submitted to justice, being in his intentions innocent. We reade, that when Stephen was stoned, he kneeled downe, and cryed, " Lord lay not this sin to their charge." Acts 7. 60. Thus the Lord of Strafford imitated holy Stephen, saying, that he acquitted all the world, and heartily forgave them, pleading his intentions to be innocent.

Scot. Was he not in a trance when he pleaded innocency, or was his wit too high to stoope to justice? What ! condemned of treason by so faire a tryall ? Search, and see if all histories can parallell with it : He whose judgement and wit is admired, to pleade innocency in so cleare a censure.

To practise with another governour of another country to invade this realme is high treason, although such practises be not put in our Dyer, 248. Is it not then treason too, to tell the king that he had an army in Ireland should reduce this kingdome to obedience? To encounter, and fight, and kill such as are the king's souldiers, or assisting the king in his warres, is high treason, 45 Edw. 3. 25. Br. treason, 7. 21. E. 23. Stam. 1. 1. Is it not then treason to be the willing cause of the losse of New-castle, of purpose to engage the two kingdomes in a warre ?

To maintain the extollers or maintainers of the see of Rome : the first offence doth incurre the danger of a præmunire ; the second offence is high treason; 5. El. 1. D. Conce. 1. What then was the Lord Strafford's fact, that, to oblige them the more, compounded with recusants at so low a rate ?

Such as shall doe or procure any thing, *ad seditionem domini regis, vel exercitus sui*, is treason, saith Mr Andrew Horne's booke, *Speculum justitiariorum ;* so saith he, is falsifying the king's seales, &c. In a word, because many like cases of treason might happen, &c. it was (by the statute 25 Edw. 3. ch. 2.) accorded, that if any other case supposed treason, which is not as that statute specified, doth happen, that it should be declared before the king and his parliament, &c. These things I passe over breefly, giving but a touch of them, by which we may perceive how great those offences were whereby the Earle of Strafford expulsed people out of their families by men in armes ; his treachery against the state, and division betwixt the king and people, by him wrought, as may appear in his articles. But I will not interrupt you too long : I pray you, sir, will you be pleased to goe on with the rest of his speech ?

Jes. He acquitted the king, constrained to, &c. It was a great praise to the kings of Israel, that they were mercifull kings; 1 Kings 20. 31. And this was a great comfort to the Earle of Strafford, that the king was so full of pitty and mercy to him ; and he infinitely rejoyced therein.

Scot. It is our comfort that we have a gracious king ; but let not us therefore abuse his mercy. Did the Lord Strafford make the God of heaven his salvation, and pray unto him, and praise his name, forsaking his humane policy and lying vanities? If he did not, I can assure you he forsooke his owne mercy, and refused the true felicity. Jonah 2. 8.

Jes. He besought to repent. The Lord himselfe admonisheth all men every where to repent, Acts 17. 30. So did this earle; he having wished to this kingdome all the prosperity and happinesse in the world, desired that they would repent, that they would lay their hands upon their hearts.

Scot. I thought rather that he had been extreamely humbled with the sight of his sins, and said, "Oh! how many glorious starres shine in the parliament, and my glory is eclipsed; I will therefore turn unto the Lord, and confesse my sins, that so I be not clouded in darknesse (in the world to come,) but, through my Saviour Christ, may be a bright-shining starre in heaven: against thee, Lord, have I sinned, and doe now most justly suffer." Luke 15. 17. But, I pray you, goe on.

Jes. He shewed, in the 9. place, That it was a strange way to write the beginning of reformation and settlement of a kingdome in blood. The Lord denounceth a woe against them that build a towne with blood. Haba. 2. 12. And the Earle of Strafford desired the people to consider whether the reformation of the happinesse of a kingdome should be written in letters of blood.

Scot. By blood, there is meant blood-shed by iniquity, and not by the sword of justice. The blood of Zimri and Cosby was shed by Phineas, which wrought a reformation of happinesse to the people; the wrath of God was thereby appeased, and the plague, then amongst them, was stayed, Numbers 25.; and thus, I hope, will it now so be with us.

Jes. He did beseech that demands might rest there, which was the 10. head of his speech. St Paul would have every man to prove his own worke, to see whether he can rejoyce in it. Gal. 6. 4. And thus would the Earle of Strafford have his death to be considered of in our houses.

Scot. In my conceit, it concerned him to have beene more diligent to search into his owne heart. Oh, of what concernment was it of to himselfe, a then dying man, to have bent his heart, diligently to have purged his owne heart and conscience from those sins in which he had lived, and for which he was then to suffer death. Hag. 1, 5. 7. I pray you how did he proceed after?

Jes. He prayed that they might not call blood upon themselves. Lord, lay not this sin to their charge, saith innocent Stephen, when they stoned him. Acts, 7. 60. And thus the Lord Strafford prayed that his blood might not rise up against any one in this land.

Scot. I am sorry to heare that he was so obstinate that he would not acknowledge that he was justly executed for his deserving sins. Rom. 6. 23. I pitty him; it is now too late to pray for him; for his condition is setled upon him, as he must abide either to eternall joy or perpetual woe.

Jes. He dyed in the faith of the church. St John saith, writing to Gàius, I have no greater joy then these (saith he); that is, to heare that my sonnes walke in veriety. 3 John 4. I professe, saith the Earle of Strafford, that I doe dye a true and faithfull sonne to the church of England.

Scot. But here lies the question: Did he dye a converted man? Did he die a true Christian? that, as one who, having the sense and feeling of his owne basenesse and prophanenesse, being a vessell to Satan, and servant to sin, did he repent and receive of the spirituall anoynting from the Lord? Was he endowed through grace with faith and the Holy Ghost? Did he become a person dedicated to Christ? Rom. 5. 6. 1 Pet. 2. 9. Ephes. 2. 3.

Jes. We leave that to God. He loved the church of England, and prayed for it, which was the 13 head of his speech. Pray for the peace of Jerusalem, saith holy David; they shall prosper that love her; peace bee within thy walls, and prosperity within thy palaces. Psal. 22. 6, 7. Thus the good earle prayed that peace and prosperity might be to the church of England.

Scot. I wonder what church he meant: did he mean the papisticall church, the jesuits and their crew, which hath too much encreased amongst us, or the prelaticall church of England, as it stands, governed by bishops, arch-bishops, &c.? Is it the hierarchy and temporall glories and dignities that he desires to prosper; or, doth he mean the distressed church which hath bin by them long subdued and kept in bondage? Doth he pray for those distressed soules, the faithfull members of Jesus Christ, whose soules have bin filled full of the mocking of the wealthy, and the despitefulnesse of the proud prelates. Psal. 13. 24.

Jes. He answered, (such as shal object that he was inclining to popery,) that since he was 21 yeares of age, he never doubted of the religion of the church of England.

Scot. Belike then, he tooke all upon trust; what the church did, that it seemes he beleeved: is not this popery to beleeve so and so, because the church beleeves it, and so take all upon trust?

Jes. How would you have men to beleeve?

Scot. To beleeve in God, and to search and try the scriptures: but, I pray you, what was the rest of the speech?

Jes. So he concluded his speech.

Scot. I pray you, what was his conclusion? was that better then the rest of his speech?

Jes. In his conclusion, 1. he reconcileth himselfe to God, through Christ Jesus. Levit. 23. 27.—2 His hope is in heaven, Rom. 5. 2.—3. He desireth the forgivenesse of every man, Psal. 32. 1.—4. He confessed his rash and unadvised words, and evill deeds, John, 1. 20.—5. He bids all earthly things farewell, Psal. 7.—6. He falls to prayer, Acts, 10. 9.—7. His faith is in God, on whom alone he trusteth, Rom. 3. 28.—8. He counselleth his friends. Zach. 6. 13.—9. He dyes patiently, Acts, 21. 13. And, I trust, he is ascended into heaven joyfully, Ephes. 4.

Scot. I can assure you, if this was all done heartily, he made a good conclusion indeed; and I can tell you, this indeed may give us some satisfaction to hope well of him.

Jes. Even now you condemned him for making such a speech, and doe you yet like his conclusion? doe you yet thinke it possible that a change could be wrought in him on such a sudden?

Scot. Though it is not common to find such presidents, yet we find, that whilst Christ and the two theeves did suffer, even at the place of execution, not one, but both the theeves which were crucified with him, reviled him at the first, Matth 27. 44. But by and by, even at the same houre, we finde one of those thieves rebuking the other. 1. Reconciling himselfe to God, fearest thou not God (saith hee). 2. His hope was in peace; seeing nothing to belong to him on earth but present condemnation, he desires forgivenesse, confessing his sinne, we are indeed righteously here, and bids all earthly things farewell. 6. He fals to prayer: Lord remember me when thou comest into thy kingdome. 7. By which expression, he shewed that his faith was in God, in whom alone he trusted. 8. He counselleth the thiefe. 9. He dieth patiently: then Jesus said unto him, Verily I say unto thee, to-day shalt thou be with me in paradice, Luke, 23. 39, 40, 41, 42, 43. And who knowes that if not before, yet even at this instant, might the time be of his conversion: God's mercy might fall upon him even at the last gaspe.

Let us leave him to God's tribunall, and judge charitably of him; for God is merciffull; if he were not, woe would be for us all.

In a word, let us be thankfull to God that he is removed from troubling our church and states. *Laus Deo.*

FINIS.

Strafforiados. The Lieutenant's Legend: As it was first compared, and now published according to the original Copie. Writ by his owne hand in the Tower.

Extincta est rabies parientis sanguine.——SIDON.

——*Fundatæ in sanguine gentes*
Non sine teste ruunt.—— CLAUD.

Printed in the Year 1652.

This collection of pieces, attributed to Strafford, appears to have been published by some cavalier, who, not without reason, regarded the earl as the proto-martyr of the cause. Yet he has preserved the Lieutenant's Lachrymæ, a satire upon Strafford; but the notes are written in a spirit very different from that of the text.

To the READER.

SOME rithms (for they merit not the style of verse, much lesse the authority of so able and active a pen,) have been lately published, and unjustly fathered upon Earle Strafford. And whence came these, but from those brothell broakers of false ware, who, for base gaine, will frontlesly ingage their penurious pen in any ementitious worke? Believe it from the mouth of him that dare avouch it, and who, in subjects of this kind, was, to the knowledge of his honour, while he lived, best interested,—that none of this sort have at any time under his name been heretofore divulged, which are not to be accounted fabulous, and worthily rejected; being so far different from his expressive character, as they beare not the least semblance of so exquisite a limner.

As for this *ultimum vale*, it has been no lesse simply then sordidly acknowledged, as well by him who ementitiously writ it, as by him who did surreptitiously print it, that his honour had no hand in it; for advantage of the time, with hope of profit, was the only bait that lur'd them to it. Lastly, for those late dispersed copies of his letters, you may gather what probability they beare of being his, by their distinct characters.

This here presented, as it was penned by him, and transcribed by one neare and deare unto him, was his last piece recommended to posterity, and for a legacy left by him; then whom none ever was more ably endowed, more generally hated, in dis-esteem of the state more unhappily suffered, nor in the period of his suffering by discreet eyes more compationately bemoned.

The Lieutenant's Legend.

Dat pœnas laudata fides; gravis exitus altis
Imminet herois; tuta myrica manes.

Eye me, ye mounting cedars! once was I,
As you are, great, rich in the estimate
Of prince and people; no malignant eye

Reflected on me; so secure my state,
It felt no rivals; then I fear'd no grate,
Nor a plebeian storme; then my renowne
Took breath from such as now would cry it down.

Honours came thick upon me, as if these
Meant with their weight to crush me; ev'ry day
Rais'd me one story higher; land and seas
Were then propitious; fresh as fragrant May,
Sprung my enlivened strength; where a decay
In health, wealth, freedom, popular esteeme,
Prove my late sceane of state a golden dreame.

I had (unhappy is the accent *had*)
A competence of state before I came
To this surprising grandeur; being clad
In native properties, till th' wing of fame,
Imp'd with a countrey zeale, enlarg'd my aime
To high designs, producing such successe,
" My seeming blest estate eclyps'd my blesse."

That vocal forrest, or plebeian vote,
Adjudge me worthy of the worthlest death;
Yet this mechanick rabble know me not
But by report, though their empoisoned breath
Steames ranke upon me, wishing but to sheath
Their weapons in my bowells; thus am I
Become their foe, and yet they know not why.

Go I by water or a private coach,
I'm hooted at; blind fury findes no end;
The style of traitor welcoms my approach,
Whereto mine eares a forc'd attention lend:
Yet 'mongst these fiends I have one constant friend,
An un-amated loyall heart within me,
Which in these gusts shall peace of conscience win me.

The prince's declaration it was such,
As it secur'd me from the doome of death;
But on th' incensed state it wrought not much.
Such were my acts I'm held unfit to breath,
Such was the spleen pursued me underneath:
Trades-men and women still for justice crye,
" Wee cannot live if Strafford do not dye."

The judges their authentick sentence passe,
And in two charges vote me of high treason;
Which vote, as is conceived, moulded was,
From their approaching feares, which blinded reason,
And caus'd those elders to comply with season.
For th' safest way to shun those ship-wrackt shelves,
Was, as they held, t' ingratiate themselves.

Thus do I live a dying life, immur'd
With cares more numerous then my warders be:
Endanger'd most when seeming most secur'd;
While Damocles' keene sword hangs over me,
On publique stage to act my tragedie:
Avant base servile fear; let law proceed;
Though headlesse, yet I cannot lose my head.

I know that my Redeemer lives; in him
My life and love are seal'd; admit it then,
A minute spill what many years did spin,
I shall resume these lineaments againe,
Restor'd, refin'd, and purified from staine.
Crazy's my cottage; no content at all
To sojourne in a lodging like to fall.

Now if those prudent houses hold't not fit
That I unto my Wentworth wood-house goe,
To exercise my dayes in holy writ,
Or like a recluse in a cell of woe,
To pray for those I owe devotion to;
Let th' sentence of sad death come when it pleases,
The axe's edge gives cure to all diseases.

Erect your scaffolds like pyramides;
Let my corrivals my appellants be;
Let ship-wrackt judges, that have writs of ease,
Become spectators of my miserie;
Teare-poudred sables cloathe my family:
All this is nothing! a more glorious place
Arms me to look death-terrors in the face.

And yet excuse me that I thus conceave,
If these long charges, by me answered,
Bring my weake body to untimely grave,
To after-ages 'twill be registred,
Nay, by just priviledge authorized,
That Strafford such a day and yeare did dye,
For no high-treason, but to satisfie.

The Lieutenant's Lachrymæ; or, his last Good-night.

No glasse may more to life present man's face,
Then this, the frailty of a great man's place.

———Whence I gather,

More usefull to the body's no physitian,
Then for a man to ponder his condition.

Draw near, give ear, and hear a peer, whose misery was such,
As envie's state, a great man's fate, relentlesly did touch.

Once was I near the prince's eare, and dear unto the state;
But now my blisse reduced is to this sad tragick fate.

There was a day when I bore sway in publick parlament;
Then who but I? which rais'd me high, to be York's president;
Where prince's love did so improve th' instructions of that court,
As it became a chancery in confluence and resort.

But country aire was my least care; I must transplanted be,
And take my place, t' inlarge my grace, of Ireland's deputie;
Where, as 'tis sed, no venom bred, so 'twas my glorious strife
To censure such who throve too much with venom in their life.

None were so high but would comply with me and my commands,
For else were they forc'd to obey, and perish in my hands;
None durst devour the widow, poor, nor seize on other's right,
But I brought in to scourge his sin, and crush him with my might.

But what's all this? I did amisse; for so the commons say;
All this did tend to mine owne end, and profit ev'ry way.
My port advanc'd, my state inhanc'd, and my revenues too,
The common laws I did dispose, and wrest them God knowes how.

Law's life did rest within my brest; my will was still my law;
No state could be, if't neighbour'd me, secured from a flaw;
I could dispence with acts of bench, and dis-annull their course:
None ever liv'd, lesse lik'd, lesse lov'd, in men's opinion worse.

First, [1] I did fleece our merchandize, and grievous imposts raise;
For private gaine, I truckt with Spaine; and with injurious layes
Impair'd men's state, t' increase their hate, no pity did I render:
Thus with all ill I'm twitted still; my good deeds none remember.

I should report, in publick court, with an imperious aw
That th' finger of the king should bring command ore th' loines of law;
Whereas a knight, to do me right, that testat did evince;
For I did say, lawes loines might sway the finger of the prince.

The Scottish charge in trifles large has taxt me in like sort;
If th' island here invaded were, the state might thank me for't;
For I an army had prepar'd their kingdome to subdue,
And to bring in that man of sin, with his papistick crue.

When all men knew I was a foe to superstition still,
And in the north brought Romists forth, and wrought them to my will;
When they did pay so much as they would gladly been content
The penal statutes to obey, to quit their annual rent.

Their city garaway did say, that of mine own accord,
When he came in, I mov'd the king to take away his sword;

[1] "These pretensive crimes in the articles of his triall were with much vehemency pressed; all which were, by his honour, to the great satisfaction of his audience, with a serious ingenuity cleared."

* The city councell.

Which ever since did so incense that * awful bench, as these
Jointly deny, unlesse I dye, to pay their subsidies.

† Cleanthes.

In a † borrow'd name, to my defame, some say I wrote love-letters,
To winde youth in licentious sin made fast with golden fetters;
Which purchase got, I feared not strange lofty acts to make,
At th' sonne's desire, against his sire, for his Clorinda's sake.

There is no crime, at any time, wherewith I'm not impeach'd;
My hands in blood, no action good, my thoughts at treason reached.
What joy then here, when all men beare such malice to my name?
Should justice rest, with joynt protest, they would display my shame.

They say I stay and stoppe the way of issues that are made,
And that I've sought by poysons brought to leave my spirits decaid;
Or that I make meanes to escape in counterfeat disguise;
When never I, by th' death I dye, dream'd such an enterprise.

From th' Tower I'm sent to th' parliament with garrisons surrounded,
Yet I pursude by th' multitude might be surpriz'd and wounded;
Peece-meale these sweare they would me teare, should train-band me surrender;
Were I as cleare as ever were they'd vote me an offender.

Now at the barre as felons are, must I hold up my hand,
And those my strong accusers be who stood at my command.
" A breaker o' th' last parlament, an instrument of warre,
" Subverter of the common laws, a close adulterer."

A cruell tyrant, and what's worse, if worser can be found,
No snake may be compar'd to me, in such a [1] snakelesse ground:
See, see our humane frailty! what fading honour's worth,
When th' ev'ning may ore-cloud that day the clearest morn brought forth.

The house of commons voted my high treason long agoe,
And they do grutch, their hate is such, the high-house does not so;
And some do guesse they doe not this for any love to me,
The reason why, if I should dye, secure they could not be.

But now both houses are agreed that I should lose my head;
Tower-hill must be a stage for me, where stories may be read,
That never man from greatnesse came to such calamity,
Nor in high place bore more disgrace then Ireland's deputy.

Farewell, farewell; now to my cell, from thence unto the stage,
Where th' hatchet must prove honour dust, and pay my service wage;
Relent hard heart, what ere thou art, when thou shalt see my fall,
What hapned me may fall to thee; do justice then to all.

Farewell, deare spouse, my antient house, my tender children too,
Though law on me inflicted be, it takes no hold on you;

[1] "Meaning Ireland, which (as is reported) by the pious teares and prayers of Saint Patrick, became freed of all venemous creatures." *Vid. Annal. Arden. Insul.*

My blood though spilt, yee'r free from guilt; the prince will do you right;
Whose crowne heav'ns blesse with all successe: And so vaine world good-night.

A Father's Farewell.

O yee my constant cares, but unconstant comforts; let me turn to you, before I turne to earth! O, to what end did I take care to waste myselfe, for that which others without care intend to waste? Why should I become so foolishly frugall, as to make my heire sick of a father, riot in his funeral, and in his death to act to life the part of a prodigall? O how many children had far'd well in the world, had their parents set their hearts lesse on the world! Oh, but who provides not for his family, is worse than an infidell! much more for his posterity, being the dearest of his family, the nearest of his meniy. O my indulgence! What a discomfort hast thou occasioned to me in the one, what a disorder in the other! I was lessoned by a good father, to make nothing a greater stranger to me in the way of my pilgrimage, then towards my familiars impiety; towards my servants severity; towards my neighbours extremity: which lesson, though I have not learned as well as I should, yet I have labour'd to observe it as well as I could. Meantime, while I look'd upon mine owne, I found my too tender nature of such a temper, as it needed no such direction. Before I was a father, I mused much how so wise a sage as Agesilaus could so strangely play the childe, as to ride on hobby-horse with his children: but remembring his answer, I could not chuse but approve an indiscreet act, proceeding from so affectionate a nature: Doe not condemne me of folly, till you have children of your owne.

A worldling's common objection.

August. Med. cap. 1.

O nature, how swift art thou in thy descending! how slow in thy ascending!

Henry the Second, then whom none more happy in his youth, more unfortunate in his age, having observed the mutability of his condition, how he could not be more numerous in yeares, then he was surprized with aged cares, being esteemed least by those who should reverence him most, devised this * embleme, to represent his parentall affliction: An eagle personating himselfe, with foure young ones, presenting his foure sonnes; two whereof were ever billing and pecking at his eyes, the other two scratching his face. These were unkind chickens; unnatural eaglets; yet many such branches may we find ayring near most of our nests. But heavy judgements are reserved for such unnaturalists. The ravens shall pick out their eyes, and the terrors of unprepared ends shall surprize them. Those who are sick of a father, shall find sickly comforts in the death of a father. The inheritance, which their Nimrod desires hunted after with such greedinesse, shall but serve for fuell to increase their unhappinesse. As their wishes murdered him living, so shall his ill-requited memory present to their profuse houres, and mis-spent estates, myriads of miseries at their dying.

* Henricus ætate confectus; quo tempore a liberis gravissimis affectus fuerit odiis; emblema sibi contraxit ab Aquila, quatuor pullis adumbrato; quorum duo oculos Aquilæ cruentes; alii duo unguibus erant vellicantes.

But admit (which are rare to find) that these longing heires should be followers of their father's steps, in a thriving providence; yet must they expect from their children in offices of obedience a just acquittance.

Such parents seldome God blesseth with obedient children, who neglected the duty they ought to their parents when they were children. So as, whether these undutiful ones be frugal or prodigal, misery, through a loathed satiety, or poverty, through their profuse society, have ever accompanied their evening. Yea, I have known some of these, who either touch'd with remorse of conscience, or driven to want through their own licentiousness, could have wish'd to have digg'd up their contemned fathers with their nayles, so they might have injoyed them; for all the dis-esteem which their neglectful youth, while they were living, exprest unto them, or poysonous disgraces their unmanaged course aspersed on them; yet was it no filiall zeale, but an experimental want that wrought upon them this course.

Illud expectandum est à nobis, quod præstitimus nostris. Paterculus.

O, the deceiving hopes of a disconsolate father! What restlesse cares, anxious hopes, and solicitous feares hourely awake him, sleeping, and daily incounter him, waking. He neglects no time to increase his store; on wayes unsought to improve his estate. He eats the bread of carefulnesse, and apportions himselfe the very least of all his family, to raise an higher foundation to his posterity. O sandie ground-work! What an imprudent house-holder is he, who shares in his own with the least and lowest of his meniey? to beget affliction to himself, dis-affection in others! Where large inventories commonly make forgetful executors; loose successors! Poore indisposed providence! Be these the fruites of broken sleepes, and needy repasts? Is it wisdome to lay up his treasure in the hopes of those who mourn for nothing more then to be their owne treasurers; by disseising a too industrious father of his care and coyn together? O what a joyful sound does the passing bell afford to a thirsty prodigall! who, long before the crawling worm has either untwisted his shrowd, or those funeral flowers which stuck his corpse lost their colour, has buried the memory of his indulgent father in those healthlesse healths of lasting oblivion. Let the foolish father, whose penurious life has bene wholly bestow'd on sparing, to give more length of line to his successours spending, cast up his accounts, and examine what profit or parentall comfort his nightly cares and watchful indeavours have returned him. Methinks I see him turne over leafe after leafe, and accompt day after day; yet he finds nothing worthy his care, nor what may answer his toyle.

In what account are we to hold those houres that are incountred with such confluence of griefs? Peruse Annals of Time. And in what did old Priam exceed young Troilus but in years, tears, calamitous children, and numerous cares?

Yet take this notice, as an addition to his folly. Though he found nothing all his time, that might promise him least assurance in them of performing his bequest; yet such is his groundlesse confidence, as he recommends to their care, what he forgot to do in his life: Sundry pious works; which eyther his affection, so closely cemented to the world, would not suffer him to performe, or the foolish hope he had in his heire, made him transferre that worke to his trust. But the carelesse unthrift makes his late father's charge the least of his care: He findes in himself such liberty of conscience, as he can dispence with the execution of such bequests: He findes all that his father left him little enough for his owne share, as he hopes within short time the world will shew it. Memorials of dead fathers are to be buried with them. Thus discharge such as these their trust to purpose. Legacies and pious offices must become their own trustees. Their testator is committed to earth, whose memory accompanies his obsequies; both subject to one fate, and deposited in one urne; and those who survive him hold him rightly serv'd. What mad man is he that will trust him at his death, who never answered his trust in his life? If hopes make not a child obedient, possession of what he hoped for will hardly do it. O see, to what shadows this worldling's substance is reduced! Before he returne well to earth, all his early and late providence is resolved to ayre: He has bid the world a long farewell, which makes his jolly spend-thrift fare well and delicious in it. Those consorts which his father hated, must be his onely copesmates. In their careere, they sing a merry requiem for his soule, whose rest is the least of their care. His interment gives intertainment to those who will never leave his debauch'd heire till his estate has left him. He has made choice of them, and for a world he would not change them; whose onely office it is to contrive the way how he may gallantly spend; as it is his, to finde a purse how to defray the charge of their projects.

Expectance begets obedience: Injoyment shuts up affection in an act of oblivion.

Thus must an aged providence be thawed and to nothing dissolved by a youthfull expence. Were the length of his days proportion'd to his expence, his exhausted state, before he saw halfe of his dayes, would be contracted to a scrip, or his prospect, through his numerous ingagements, confined to a grate. But death is many times so kinde, as to impose a period to his miseries, and to end him before they wholly make an end of him. But be his dayes long or short, his memory cannot chuse but rot, being a branch shred and cut off from the root. It is a promise, and he is faithfull in his performance that makes it; length of dayes shall be unto him who honours his parents; which implyes

an abridgement to his who dishonours them. The wicked and deceitfull man shall not live to see halfe his dayes. And shew me a more deceitfull liver, than he who deceives the trust of a father! If obedience be better then sacrifice, no doubt but disobedience is the sacrifice of fooles. It seemes he desires to have his dayes short, who, by his rebellious course, labours to shorten his father's dayes. The foundation of his hopes cannot stand. But future judgements are strangers to his thoughts. So he may injoy the pleasures of sinne for a season, eternity is quite razed out of the calendar of his memory.

He holds the pellican a good naturall mother in feeding her young ones to her owne ruine; but he holds that child a meere naturall, that would requite that parentall favour to his own danger. Whence it is, that he accounts no bird more foolish then the storke, in carrying his aged parents upon his wings, and providing for them, whose unweldy condition cannot purvey for themselves. I have often observ'd it, nor could I well credit what my eyes had seene; how nature could possibly become such a changeling, as to wish no being to those from whom they had their being. Many children have found their parents to be their best stewards; yet rather then be troubled with such dispensers, they could wish that care supplyed by hyrelings.

There was an antient decree, that he who neglected his parents in their age, should reap no benefit by their death. Now, how many children should we finde disinherited, were this law to all intents and purposes executed? That law, no doubt, was well intended, if it were but ordain'd only to preserve in their progeny pretenses of duty. It is hope of preferment that begets in most children this shady semblance of obedience. Take away this hope, and you shall find an icy zeale. Broad-spred sycamours, all for shadow, none for fruit. Were it not then just for parents to adopt strangers their heyres; seeing those who should be their lineall heyres make themselves such strangers to their cares! But the heart of a father is of a more waxen and indulgent temper; so blind has affection made him, as he generally values those most whose actions deserve least. These he tenderly huggs who would follow his hearse with dry eyes, and who, in the height of his extreames, will rather pray on him, then pray for him. So apt is nature to deprave judgement and to play the impostor with her multiplying glasse, presenting more comforts in the worst, than can possibly appeare in the best. When affection has forfeited her discretion, and lost the eyes of her judgement by mistakes, vertues seeme vices, and vices virtues. It were wisdome then for nature to suspend her eyes, and to fixe them with an impartiall reflexe both on merit and immerit. This will beget that emulation in goodnesse which children before knew not, at least pursude not; because they were by their parents undistinguished or unrewarded. But little need we to presse this argument: Experience tells you whom I should admonish; that a father is more ready to give, then a child to requite. Be it your care to reteine, in this my last farewell, these final directions, which may prove as usefull to you as any portion I can bequeath you.

Var. de Antiq. Rom. Viget. Macrob. Valer. Max. Rhodolph. Agric. de Leg. Nat.

Your youth inform'd me that your dispositions were different, which caus'd me to bestow you several waies; for philosophy had told me, and experience taught me, that nature could not be forc'd. Yet have I highly tax'd my indulgence for giving such way to the freedome of youth. Some of you pretended for armes, others for arts. You who were for armes, had got such a surfet of the schoole, as your plea was incapacity to your booke, by reason of your want of memory, or impregnancy, or some other innate defect: so as your desire was to inlist yourselves, after the garbe of these stirring times, amongst souldiers of fortune, to ingage your person for the campe; but (as I conceited it) only to dis-ingage yourselves of the whip: and I assented to it; and some progression have you made in it, without much losse or increment of honour.

March along then with this advice. In the first place, be no lesse cautious then conscious of the grounds for which you fight. Be he never so valiant, if the cause be nought

Sub quocunque regimine civicis constituti non reluctantes, sed integre subditi. Albanus. Arnobius. Evander. Luthymius.

for which he ingageth, it is rashnesse, and no valour; for win he or lose he, the issue redounds ever to his dishonour. Allegiance is a just ground, in what orbe soever the state be spheared, though in these dayes unfortunately mannaged. But actions are not to derive their equity from event or successe, nor to receive their censure from the losse of a field. Fortune is not always virtue's shadow. England cannot be more in God's eye then Judæ; and yet infidels are become lords of that seat where our heavenly Lord and his apostles trode!

If this last designe of theirs, bearing such a face of loyalty, redeeme their fame, it is an unexpected recovery.

Let me advise you, be no Scotch pretenders, in making religion your colour, when plunder is your aime. Though their booties inrich them, and their newtrall factions seemingly secure them, they must come off with losse, before the maine battaile determine the quarrell.

Make not such use of your strength, as injuriously to intrench upon another's state. Doe no man wrong; when the sword is in your hand, let grace be in your heart. Let that daring insolence, so familiar with a soldier, be to you an uncivil stranger. Walke in the wayes of innocence, and end these dayes of your warfare in it. Preferre a glorious death before a vicious life. Better is it to dye with an Abel then to live like a Cain.

Be it your prime care every morne to make your peace with God; suffer not your inward enemy to have any advantage of you, whatsoever your outward have. Though the bullet make no distinction betwixt a prince and a common souldier, those Christian memorials recommended to you in your youth, should better prepare you then to fall like beasts, without remembring your future condition.

The mariner and souldier ought of all others to be ever provided of this spirituall armour. Three inches onely distanceth the one from death, and a paper-sconce the other. Of all others, every hour may be your last: Be it then your constant taske, in the service of your campe, to make Heaven your care. March after this manner, and the Lord of Hoasts will go along with you, and improve these actions of valour to your fame, his honour.

Now for you who are for arts. As it has beene my care to season you in all sciences, humane and divine; be it your care not to invert them, but rank them according to their degrees. Imploy your humane as hand-maids, your divine as their mistresses. Now religion must be the foundation, which, being strengthned and cherished by that sweetly-distilling influence of devotion, is not to consist onely in speculative knowledge, but proficiency of action.

For religion, being the mystery of our salvation, is a practicall syllogisme, whose premises goe for nothing, if there be not the active conclusion of well-doing. The promise is not made to him that knows this, but to him that does this. Doe this and thou shalt live.

In the expence of your houres, be carefull how you bestow yourselves in them: Account these so pretious, as the whole world cannot reduce nor recall one minute of them. Have not your eye on the glasse how it runnes, nor on the clock what it strikes. Contemplation should be more fixt then to be so easily distracted. He who in his study gives more eare to the houre then those lines he reades, must give me leave to hold him such a proficient, as he is rather to be accounted a truant then a student. Make every evening an accomptant of the forespent day. Your age is not to be reckoned by yeares but houres: Many are young in houres who are old in yeares. Bestow your time in learning to your profit; but intertaine such humility in your improvement, as with modesty to acknowledge it. The zone where you live admits no solstice: your academick studies hold correspondence with no station. You must either be proficients or deficients. In one word, make God the beginning and ending of all your labours, and then with a cheerfull evening will he crown all your endeavours.

Now, to you, my daughters, whose choisest consorts should be modesty, humility,

and pious industry; though your mother were taken from you before she could well inform you, or yourselves capable of what she might recommend unto you; yet are you supplyed in her want by one, who, though a step-mother, (a name implying an harsh nature,) yet be her steps so imitable, that if you walke in them, they may sufficiently enable you by her example. Doe not then steppe over her with an awlesse reverence; but observe her directions as usefull lessons, for the knowledge of yourselves, and performance of those offices wherein you stand obliged to God and the world. I shall be sparing in speaking much to you, being so confident of her care with whom you are, and to whose education and tution, next under God, I commend you, as she will never desert you, unlesse you desert yourselves.

Now, the blessing of God, and a poore languishing, but truly loving father, be among you, and direct you in all your waies and works, to his honour who made you.

Prov. 4. 1. Heare, ye children, the instructions of a father, and attend to know understanding.

Death's Dreame.

Last night, me thought, I saw a great man dye,
And none was in the roome but he and I.
His vitall parts had made their long retreat,
Eyes dim, voice hoarse, his pulse no strength to beat;
Yet like two antient friends long time acquainted,
His soule, me thought, would hardly be contented
To leave the body; or the flesh her guest,
Her living soule, without a sharpe contest.
But fruitlesse was this conflict, they must yeeld
To him who still came conquerour from the field;
And being ready to surprize his fort,
It mov'd me to advise him in this sort.
" Let no weake hopes of longer life deceave you;
" You see how your physitians meane to leave you;
" Whose choice receipts, apothecarry bills,
" At such excessive charge their patients kills,
" Are left to your executor to pay;
" And for their wage, not for your health, they stay;
" For that's past cure:---Prepare then for remove
" From this poore vale of teares to joyes above:
" Here is a fading, there a reall blesse,
" Fixe then your heart, Sir, where your treasure is."
Wherewith he sighed, and shed a trinckling teare,
As if the treasure of his heart lodg'd here;
Till my perswasions did at last so win him,
I found, me thought, a lively faith within him;
For pearled tears did his repentance show,
And eyes the place where he was mounting to,
Which I observing, " Sir, while you have sense,
(Thus I discours'd) " discharge your conscience,
" And set your house in order." " Friend, that care
(So he reply'd) " is left unto my heire.
" Portions, doles, legacies I shall not need
" To write: his love can my intentions reade.

" These cares are recommended to his trust,
" And he'l discharge them, for I hold him just.
" My soule has su'd divorce 'twixt th' world and me,
" From which my thoughts shall henceforth strangers be.
" One onely man there is whom I could wish
" Might never share in any state of his;
" For his hydroptick drought, like thirsty ground,
" Gapes still for more, the more it does abound;
" But that I may in charity depart,
" I wish his true conversion with my heart."
Having my spirituall physick thus applide,
With much composednesse, me thought, he dide.
Now he whom he deputed for his heire,
Appear'd so well-dispos'd, so debonaire,
As none (if dreams may represent a truth)
Retein'd more seeds of vertue in his youth.
But as choice plants oft perish in their prime,
While grafts of slower growth live longer time;
So he, when those pure beamelings should appeare,
And spread their beauty in their proper spheare,
Heart-slain with filial love, as chymists gather,
Within few days death sent him to his father;
Leaving a lovely lady here behind,
Who liv'd to wear his picture in her mind.
—Good God, what strong impressions dreames receive!
Scarce were these two, me thought, cold in their grave,
Or those seere funerall flowers their colour lost,
Till he stept in, whom th' father feared most;
Claiming a title in this vast estate,
With other three concern'd in this debate;
Which to compose, they were advis'd to show
Their just pretences, which all yeelded to.
The place that they propos'd for this assay,
Was near the porch where those two coarses lay;
Those two indeared ones, for never were
Syre to his son, nor son to syre more deare.
Thrice did they meet, but nothing could be done;
One would have all; and others might have none.
" Earth-glude affections will admit no stay,
" Untill their owner be reduc'd to clay."
This made me muse how men indu'd with reason,
Could in a place of death, and such a season,
Converse with earth so freely, as to plead
For their estates that were so lately dead!
In this amaze, those corpse, me thought, appear'd
To their halfe bodies from a statue rear'd,
Where th' elder, pale with anger, seem'd to show
Both Death and Passion in his furrowed brow;
While th' younger, more compos'd, seem'd with a teare
To whisper these words in his father's eare:
" Sir, doe you heare how these corrivals fight,
" T' invest themselves in our peculiar right;

" What projects they contrive their end to win,
" While we're forgot, as if we had not bin."
Th' incensed father having sadly eyde
Those violent contests, at last replyde,
With a deep-scalding sigh and gastly groane,
Breath'd from a steming urne : " Was ever moane
" Cloath'd with lesse solemne rites, or funeral beares
" Rank'd with lesse mourning roabs and fewer teares ?
" Forgot as soon as earth'd ! unhappy state,
" To make these men our heirs whom we did hate !"
After which hideous voice their grave-stones shak't,
Whereat the umpires fled, and I awak't.
'Twas nothing but a dreame ; and dreams, men say,
Expound themselves the clean contrary way ;
But dreams have moralls too, and such had these ;
Expound them then, good reader, if you please.

Death's Doome.

" *Tot varias facies variis spectare diebus*
" *Miror, et effigies fingere credo dies.*"

Gilt gull, who lin'st thy silken sinnes with plush,
And car'st not for thine inward man a rush,
Some two or three years hence, or such a thing,
Pye-colour'd jaye, thou in a jayle maist sing.

Madam, who made you with your breasts display'd,
Apishly trim'd, fantastickly array'd ?
Your purles, purfles, powders must decline,
Nought left you but a shade, a shroude, a shrine.

Churchman, who taught you such a formall dresse,
And to forget your mainest businesse ?
Sir, when you dye, you must 'fore him appear,
Will ask you what you are, not what you weare.

Lawyer, who learnt you to abuse the state,
And make lawes spider-webs by your deceit ?
For all your quaint demurres, you find no plee
'Gainst the injunction of mortalitie.

Souldier, who gave you discipline to fight,
To right your selfe by taking other's right ?
This is not right; " He is not vertue's friend,
" That wrongs another for his private end."

Vintner, who school'd you to corrupt your wine,
To make men's fronts sprout like a porcupine ?
When this rich vintage's past, for all your plenty,
Your bush shall be pull'd down, your hogshead empty.

Author, who dipt your penne in Hypocrene,
To gull the world with a worldly theame?
Leave earth where you do live, and strive to love
That sphere where angels may your muse approve.

Actor, returne, what are you? whence you came?
To live, lust, loiter, pander, and prophane?
This is a strange vocation; ever have
Thoughts in thy tyring-house upon thy grave.

But if these motives will not serve your turne,
Heere's mirrors for you, scithe, houre-glasse, and urne;
Dish up your viands then, scrape up your crummes,
For loe you where the serjeant-major comes!

Gull, Dame, Church, Lawyer, Souldier, Author, Actor,
Are merchandize to Fate, where Death's the factor.

Morphuus, Urna, Rogus, Fax Clepsydra, Virga, Coronis,
Singula sunt Fati nuntia certa tui.

Hymen's Golden Censer; a Spirituall Spousall.

Hymen unveyle thy sacred censers; let
This amorous payre in th' pale of fancy met,
When thou hast clos'd the ceremoniall rite,
With cordial joyes and wreaths be-day the night;
May nuptiall twists give mutual recompence,
And crown their loves with blushing innocence.
Lovely Leander, when he won the tower
Where Hero lodg'd, he could not rest secure;
Feares caus'd him forfeit freedome; while your love,
Sign'd here below, and registered above,
Admits no interposing cloud to shade
Those choice contents for which you both were made.
Pure tender tinder of affection's flame
Crowne their joynt votes with Fancy, Fortune, Fame,
And all that's good; that their streight-levell'd line
May be a mirror to this crooked time,
Where Vice enfranchis'd strutts without controule,
And Virtue droops as though she had no soule;
While these pure soules march in that regiment
Where their restraint is th' orbe of their content.
If't seeme a paradoxe, observe that tye
Which leaves Love in a linked liberty.
" Blest spousall tye! which, though it captives make,
" Those bonds seeme easy for the keeper's sake."

Leda's various Censure.

Leda grows violent when she does heare
  Any disgust that she has showne,
And welcomes her reprover with a teare;
  For other refuge hath she none.
  Streight will she dye, yet knows not why.
  O, what a salve is this, said I,
When crimes begge cures from a revenging eye!

Yet some there be hold Leda's temper sweet;
  Though native passions take their course;
And when those christall founts with silence meet,
  They are not to be valued worse;
  For these rins'd eyes clearly discryes
  She fears those foes that virtue flyes,
So as her teares becomes sinne's sacrifice.

That very night she in my bosom lay,
  Eyes shed a teare, heart bred a sigh;
I ask't her what she ayl'd? she would not say,
  Onely she wish'd that death were ny:
  Wiping her eye, (poore foole) said I,
  What wants thou, while thy Cinna's by?
She with a smile replide, I will not dye.

Thus Fancy by a soft remorce grew mild,
  Enliven'd with a sacred heat,
And to her foe became so reconcil'd,
  As Fancy took up Furie's seat.
  May Hymen bring, like marriage ring,
  To subjects spousall and their king.
Still may my Leda touch upon this string.

What is complexion but a deep-lay'd dy
  Upon a clot of breathing clay?
What is my lovely Leda, or what I,
  But a quick shade, a flower in May?
  Yet if our mind be so combin'd,
  As heaven's pure eye no soyle can find,
Leda's in me, and I in her inshrin'd.
——Blest ordinance, that votes us so confin'd.

Life's Harvest. Green Fruit.

Light vading joyes, a fading life
  Doe ever keep me company;
Where though a turtle be my wife,
And hopes in her posterity,

They are in their minority.
So as who justly these compares,
May finde greene hopes but riper cares.

A Precious Medall.

Looke on him who was ta'ne and tide,
Was toss'd and push'd to every side,
First deifide and then defide,
Arraign'd for thee, and crucifide.
A thought of these will humble pride,
And render thee so mortifide,
As no earth's losse shall thee divide
From Him who for thee liv'd and dide.

Epitaphs on the Earl of Strafford.

The following epitaphs, which have considerable merit, according to the quaint poetry which was in fashion at the period, seem worthy of preservation. The last, although published in Cleveland's Poems, is said, in reality, to have been written by the Rev. Thomas Forrester, episcopal clergyman at Melrose, who was deposed by the General Assembly at Glasgow, in 1638, for various irregularities, but principally for being author of a burlesque litany, severely reflecting upon the covenanting divines.—See Milne's *Description of the Parish of Melrose.*

I.

Great Strafford, worthy of that name, though all
Of thee should be forgotten, but thy fall!
How great's thy ruyne, when no lesse a waight
Could serve to crush thee, than three kingdomes hate:
Yet single they accompted thee (althoe
Each had an army) as an equall foe.
Thy wisdom's such, at once it did appeare
Three kingdomes wonder, and three kingdomes feare;
Joyn'd with an eloquence so great, to make
Us heare with greater passion than hee spake.
That wee forc'd him to pity us, while hee
Seem'd more unmov'd and unconcern'd than wee,
And made them wish, who had his death decreed,
Him rather than their own discretion freed.
Soe powerfully it wrought, att once they grieve,
That hee should dye, yet feare to lett him live.
Farwell great soule! the glory of thy fall
Outweighes the cause, whom wee at once may call
The enimy and master of the state,
Our nations glorie, and our nations hate.

II.

Here lyes wise and valiant dust,
Huddled up 'twixt fitt and just,
Strafford, who was hurried hence,
'Twixt treason and convenience;
Who lived and dyed in a mist,
A papist and a calvinist;
His princes neerest joy and greife,
Who had yet wanted all reliefe;
The prop to ruine of the state;
The people's violent love and hate;
One in extremes lov'd and abhorr'd:
Riddles lye heere; and, in a word,
Here lyes blood, and lett it lye,
Speachlesse still, and never crye!

The late Will and Testament of the Doctors Commons.

This satirical squib seems to have been thrown out upon the downfall of spiritual jurisdictions, for which parliament had made the following provision:—"That every shire should be a several diocess; a presbytery of twelve divines in each shire, and a president, as a bishop, over them; and he, with assistance of some of the presbytery, to ordain, suspend, deprive, degrade, and excommunicate: to have a diocesan synod once a year, and every third year a national synod, and they to make canons, but none to be binding till confirmed by parliament."—Whitlocke's *Memorials*, p. 45.

I, Doctors Commons, in the parish of St Benedicts, Pauls-Wharf, London, being very aged, and finding, by generall computation, that my time draws to an end, and being likewise much shaken both in body and mind with a Westminster ague, yet of perfect mind and memory, to avoid all suits and controversies that hereafter may arise concerning my estate, or any part or parcel thereof, and to the intent and purpose that my contentious days may be consummated and ended in peace, do constitute, ordain, declare, and make this my last will and testament, in manner and form following, that is to say, *imprimis*, for my soul, I bequeath it to gunpowder-makers, to be made into gun-powder, which shall be employed only for the new canons.[1] Item, I bequeath my body to the earth, from whence it came, decently to be buried, but not sumptuously, in the Convocation-house, in the cathedral church of St Pauls, London, aforesaid, according to the discretion of my executors hereafter named. Item, For my personal estate, (having never been pos-

[1] The canons, viz. made by the convocation in 1640, and confirmed under the great seal, 30th June in that year. They were obnoxious to the people, as being designed to support episcopacy. A pun is designed between the words *cannons* and *canons*.

sessed of any lands,) I willingly bequeath my reverend judges, vicar-generals, chancellors, commissaries, arch-deacons, deans, and chapters, and their surrogates, and also, all high commissioners, judges, delegates, advocates, and *legum doctores quoscunque*, (Og, the great commissary, alias Doctor Roan, only excepted,) to the high court of parliament, there to be cherished according to their merits and deservings. Item, I bequeath all my registers, deputy-registers, proctors, examiners, and public notaries, to the court of Common-pleas, at Westminster, to be admitted attornies, (if no prohibition be granted to the contrary). Item, I will and bequeath all my fifty pound clerks to their friends in the country, or to the justices of the peace and *quorum*. Item, I will and bequeath all my journeymen clerks, hackney, and sub-hackney clerks to Chancery-lane, and Britannick S. Hugh Prestar to the Star-chamber. Item, I will and bequeath all my pursuivants, apparators, promoters, &c. to under-sheriffs; but in case they have no need of them, then I bequeath them to their ghostly father, unto whom they have most relation. Item, I will and bequeath all my writings and records, as followeth: my bonds to large-measuring taylors; my bills, transmissions, and the like, to retailing tobacconists; my incontinent articles to Bloomsbury, Long-Acre, and other like places of good-fellowship; my libels of defamation to the penetential scolds, there to be ordered according to their discretions; all my commissions of appeal to the parties appellant, for they have the most right unto them, in regard they have paid for them. Item, I will and bequeath all my large books of acts to them of the Fortune-play-house; for I hold it a deed of charity, in regard they want good actions; my decrees to the courts of chancery, in case they want any; my sentences to those orators that imitate Tullie's *quanquam te marce fili*, &c. for they are something; and lastly, I will and bequeath my cannons, charged with *et cæteras*, to the Tower, to defend him that made them; and all the rest of my writings, rescripts, manuscripts, and superfluous papers whatsoever, to cooks, bakers, grocers, and chandlers. Item, I make the Scotchmen my executors, (who, I doubt not,) but with all diligence will seek the execution of this my last will and testament, and desire they will see these my legacies paid and performed immediately after my decease. In witness whereof, I, the said Doctors Commons, have hereunto set my hand and seal this 26th of June, in the year of our Lord, 1641.

Signed, sealed, published, and declared, in
the presence of

W. C.
R. P.
B. K.

The Copy of an Order agreed upon in the House of Commons, upon Friday the Eighteenth of June, wherein every Man is rated according to his Estate, for the King's Use.

Printed 1641.

These rates apply to the poll-tax, introduced by act of parliament, for paying not only the royal army, but that of the Scots, which still remained embodied at Rippon. It was delayed for some time in its passage through the house of peers, the lords desiring to fix their own rates. Upon

a conference between the two houses, 2d July, 1641, Sir Simon D'Ewes laid before the peers so many authorities for the assessment taking place in the lower house, that they acquiesced in that mode of proceeding. Upon the following day, the bill was presented to his majesty by the speaker, with an address, in which he stated, that the parliament had again adventured upon the property of the people, "in an old and absolute way, new burnished by the hand of instant necessity;" and thus presented to him "a gift suitable to the necessity, of such vast extent, that time cannot parallel it by any example."—RUSHWORTH'S *Continuation*, p. iii. vol. 1. Although the money thus levied was said to be for payment of both armies, yet the Scots, then the favourites of the parliament, obtained far the greater share of it.

DUKES, one hundred pounds.
Marquesses, eighty pounds.
Earls, sixty pounds.
Viscounts, fifty pounds.
Lords, fifty pounds.
Baronets and knights of the bath, thirty pounds.
Knights, twenty pounds.
Esquires, ten pounds.
Gentlemen of one hundred pounds per annum, five pounds.
Recusants of all degrees to double protestants.
Lord mayor, forty pounds.
Aldermen knights, twenty pounds.
Citizens fined for sheriffs, twenty pounds.
Deputy aldermen, fifteen pounds.
Merchant strangers, knights, forty pounds.
Common-council men, five pounds.
Livery-men of the first twelve companies, and those that fined for it, five pounds.
Livery-men of other companies, fifty shillings.
Masters and wardens of those other companies, five pounds.
Every one free of those companies, one pound.
Every freeman of other companies, ten shillings.
Every merchant that trades by sea, inhabiting in London, ten pounds.
Every merchant stranger that trades within land, five pounds.
Every English merchant residing in the city of London, and not free, five pounds.
Every English factor that dwells in London, and is not free of the city, forty shillings.
Every stranger protestant, handy-craft trade, and artificer, two shillings.
Every papist stranger and handy-craft, four shillings.
Every widow a third part, according to her husband's degree.
Every judge, a knight, twenty pounds.
Every king's serjeant, twenty-five pounds.
Every serjeant at law, twenty pounds.
Every one of the king's, queen's and prince's council, twenty pounds.
Every doctor of civil law, and doctor of physick, ten pounds.
Every bishop, sixty pounds.
Every dean, forty pounds.
Every canon, twenty pounds.
Every prebend, twenty pounds.
Every archdeacon, fifteen pounds.
Every chancellor and every commissary, fifteen pounds.
Every parson or vicar at one hundred pounds per annum, five pounds.

Every office worth above one hundred pounds per annum, to be referred to a committee, to be rated, every man that may spend fifty pounds per annum, thirty shillings.

Every man that may spend twenty pounds per annum, five shillings.

Every person that is above sixteen years of age, and doth not receive alms, and is not formerly rated, shall pay six-pence per pole.

Mr Edward Hydes Speech, at a Conference betweene both Houses, on Tuesday the 6th of July, 1641, at the Transmission of the severall Impeachments against the Lord Chiefe Baron Davenport, Mr Baron Trevor, and Mr Baron Weston.

These judges were impeached for their illegal and oppressive judgments in the cases of ship-money, and other arbitrary impositions. Hyde, afterwards Earl of Clarendon, was at this time one of the most active, as well as best-respected members of the house of commons. "He was very much in the business of the house; the greatest chairman in the committees of the greatest moment; and very diligent in attending the service, both in the house and at committees: for he had, from the beginning of the parliament, laid aside his gown and practice, and wholly given himself up to the public business, which, he said, so much concerned the peace and very being of the kingdom. He was in the chair in that committee which considered of the illegality of the court of York; and the other, that examined the miscarriage of the judges in the case of ship-money, and in other cases of judicatory, in their several courts; and prepared charges thereupon against them. He was in the chair against the marshal's court."—*Life of Edward Earl of Clarendon*, Oxford, 1759, fol. p. 39.

My lords,

THERE cannot bee a greater instance of a sicke and languishing common-wealth, then the businesse of this day. Good God! how have the guilty these late yeares beene punished, when the judges themselves have been such delinquents! 'Tis no marvell that an irregular, extravagant, arbitrary power, like a torrent, hath broke in upon us, when our bankes, and our bulworks, the lawes, were in the custody of such persons. Men who had lost their innocence could not preserve their courage; nor could we looke that they who had so visibly undone us, themselves should have the vertue or credit to rescue us from the oppression of other men. 'Twas once said by one, who alwayes spoke excellently, that the twelve judges were like the 12 lyons under the throne of Solomon; under the throne in obedience, but yet lyons. Your lordships shall this day heare of six, who (be they what they will be else) were no lyons; who, upon vulgar feares, delivered up the precious forts they were trusted with, almost without assault, and in a tame, easie trance of flattery and servitude, lost and forfeited (shamefully forfeited) that reputation, awe, and reverence, which the wisdome, courage, and gravity of their venerable predecessors had contracted and fastened to the places they now hold; and even rendered that study and profession, which in all ages hath been, and I hope now shall bee of an honourable estimation, so contemptable and vile, that had not this blessed day come, all men would have had that quarrell to the law it selfe, which Marius had to the Greeke tongue, who thought it a mockery to learn that language, the masters whereof lived in bondage under others: and I appeale to these unhappie gentlemen themselves, with what a strange negligence, skorne, and indignation, the faces of all men, even of the meanest, have been directed towards them, since, (to call it no worse,) that fatall declension of their understandings in those judgements of which

they stand here charged before your lordships. But (my lords) the worke of this day is the greatest instance of a growing and thriving common-wealth too, and is as the dawning of a faire and lasting day of happinesse to this kingdome. 'Tis in your lordships power, (and I am sure 'tis in your lordships will,) to restore the dejected, broken people of this island to their former joy and securitie, the successors of these men to their old priviledge and veneration, *et sepultas propè leges revocare.*

My lords, the iniquity of judges is infectious, and their craftiest combination to leave as few innocent as may be. Your lordships have heard of the justice of two of the greatest courts of Westminster; and that you may know how little advantage the other of his majesties revenue, the court of exchequer, hath of its fellowes in the administration of right, I am commanded by the house of commons to present to your lordships three severall charges against three judges of that court,---my Lord Chiefe Baron Davenport, Mr Baron Trevor, and Mr Baron Weston. Your lordships will please to heare them read.

Your lordships observe, that the great resolution in ship-money was a crime of so prodigious a nature, that it could not be easily swallowed and digested by the consciences, even of these men: but as they who are to wrastle or run a race by degrees prepare themselves by dyet, and lesser assayes for the maine exercise, so these judges enter themselves, and harden their hearts by more particular trespasses upon the law; by impositions and taxes upon the merchant in trade; by burdens and pressures upon the gentry in knighthood, before they could arrive at that universall destruction of the kingdome by ship-money, which promised reward and security for all their former services, by doing the worke of a parliament to his majesty in supplies, and seemed to delude justice, in leaving none to judge them, by making the whole kingdome party to their oppression.

My lords, of this crime these three judges seeme to be at least equally guilty; for however one of them, my lord chiefe baron, is not charged with that judgement, in the exchequer-chamber, against Mr Hampden, and how hee failed in making his conclusion from his own premisses, he onely can informe you. Your lordships see how quickly he repented that that mischief was done without him there, by his overtaking his brethren in his circuit, and as he said of the vilest kind of flatterers, *crudelissimo servitutis genere, quod intra se abominabantur, palam laudabant:* hee made all possible haste to redeeme himselfe from that imputation of justice, and declared publiquely, in the face of the country, that it was adjudged by all the judges of England, that ship-money was due to the king; though I believe he will be now glad to be thought none of those judges: and what others did he well knew, and thereupon imprison'd a poore man for doing that, which, if ship-money had beene due to his majesty by *Magna Charta*, had beene lawfull for him to have done. Of the resolutions and judgement itselfe I am not to speak: your lordships have passed your noble judgement.

My lords, the first charge in order is, that presumptuous decree against Mr Rolles and others, and, in truth, whatsoever glosse they put upon it, is no other than a plaine grant of the subsidy of tunnage and poundage to his majesty upon all merchandize. After their goods seised for non-payment of that pretended duty, the proprietors brought replevins, (which is the natural and genuine remedy, appointed by law, in case of property, and grounded upon property); the court awards an injunction to stay these replevins; the goods were in the kings possession, and no replevin would lye against the king. Truly, (my lords,) the injustice here is not so scandalous, as the fraud. We all know a replevin, (as no other suite,) lyes against the king, if the goods be in his owne hands, in his bed-chamber; but to call a seizure by the farmours, (of whose interest this court will not deny the notice, and if his majesty had any right, they well knew he had transferred it to these men,) or the ware houses of the customers, the kings possession, to defeate the subject of his proper remedy, was the boldest piece of sophistry we have met with in a court of law. Pardon me if I am transported. The civilians

say, *tutor domini loco habetur cum rem administrat, non cum pupillum spoliat.* The office of judges is to preserve and give remedy for right; here they found a right, a knowne and unquestionable right; yet, instead of assisting, tooke away the remedy to preserve that right. What shall we call these judges? My lords, in this argument I am not willing to say much; 'tis enough that your lordships know tunnage and poundage is not a duty to the crowne, but a subsidie, and so granted in *subsidium*, sometimes *pro una vice tantum*, sometimes for yeares, and then ceased, when the time did expire; that when it was first granted for life, it was with this clause: *ita quod non trahatur in exemplum futuris regibus.* But 'tis abundantly enough that his sacred majesty cannot bee tainted with the advices and judgements of these men, but looks on this duty singly as the meere affection and bountie of his subjects, the which, no doubt, he shall never want.

My lords, the next charge is concerning impositions. Mr Vassalls goods are seised for not paying impost, which hee conceived to bee against law; he is imprisoned, and judgement given against him, without suffering him to bee heard upon the point of right, because that had beene heretofore judged in Bate's case: and yet these very judges have not thought themselves so bound up by former judgements, but that since this time they have argued a case upon the same point, which was adjudged in Hillary term in the 15 Eliz. and confirmed after by all the judges of England, in a writ of errour, in the 21. yeare of that queenes reigne: 'tis Walsinghams case. However, the same modesty seized them againe in the case of a noble lord, not now present. Whether the king, without assent of parliament, may set impositions upon the wares and goods of merchants, is no new question; it hath beene more then once debated in parliament, and indeed whilst it was a question, was fittest for a parliament. I will not trouble your lordships long. 'Tis now resolvèd, and nothing new can be said in this argument, though I may have leave to say, if the king can by his letters patents create such a right to himselfe, and by a legall course recover that right under such a title, such letters patents are in no degree inferior to an act of parliament. To reconcile such a power in the prince and the property of the subject, that the one must not be destructive to the other, will require a much greater, a subtler understanding than I pretend to: but, my lords, I doe not thinke the judgement in this point to be so great a cr'me in these judges, as that they presumed to judge at all: the matter had beene long debated in parliament undetermined, and therefore not within the conusance of an inferiour court, had it not beene true that Fortescue says, in his 36. chapter of the lawes of England, *neque rex per se aut ministros suos, tallagia, subsidia, aut quævis onera alia imponit, &c. sine concessione vel assensu totius regni sui in parliamento suo expresso, &c.* If the statute *de tallagia non concedendo*, if the 30th chapter of *Magna Charta*, and all the other statutes to that purpose, bee not cleere in the point, they might easily have apprehended so much weight, so much difficulty in the question, (especially since, in all our law-bookes, not so much as the word imposition is found, untill the case in my Lord Dyer, of 1 Eliz. fol. 163.) that they might very well have suspected themselves to be no competent judges for that determination: and I hope, by the experience of this parliament, the judges will recover that ancient modesty to beleeve, that some cases may fall out that may not be properly within their jurisdiction in the 9 yeare of Eliz.: ('tis in the parliament rolls.) It being found by an office after the death of Gilbert de Clare Earle of Gloster, that his sisters were his heyres, *nisi Comitissa Glocestriæ esset pregnans*, the question was, whether the king might grant the heyres their livery in *prejudicium impregnaturæ:* this was conceived *negotium novum, et difficile;* and the king having commanded the chancellour and judges to deliver their opinions in writing, they returned, *quod non audebant dictum negotium definire, nec domino regi consulere sine assensu magnatum, propter raritatem et difficultatem:* whereupon the day was given to the parties, *ad proximum parliamentum.* And your lordships well know the speciall care that is taken by the statute of 14 Ed. 3. cap. 5. that such matters as, for the diffi-

culty, are not fit for the judges, or, through eminent delaye, are not dispatched by the judges, shall be determined in parliament: not such matters as the parties concerned had rather venture upon your lordships judgements then upon the rules and proceedings of the law; (God knowes what mischiefe and confusion may fall out upon that admission). There must be such difficulty, such delay, before that statute meant your lordships justice should be concerned in the resolution, I wish these gentlemen had thought this busines a matter of that difficulty as had been fit for such a delay.

My lords, we come next to the charge concerning knighthood. Mr Maleverer appeares upon the processe of that court, pleads and submits to his fine, *ponit se in gratiam curiæ:* the barons refuse to impose any fine; they had no power to doe that; he must treate with certaine commissioners appointed for that purpose, and compound with them. Your lordships have not met in the same men such contradictions of crimes. Who would suspect the same men, in one charge, to have the mettle to usurp the power, and exercise the jurisdiction of the highest court, the court of parliament, and presently to want the spirit to doe that which was so restrained, and peculiar to their places to have done, as that none else could do it? They had no power to fyne; as if the sole busines of sworn judges in a court of law was to summon and call men thither, and then to send them on errands to other commissioners for justice. 'Tis true, the commissioners of 1 Edw. 1. to Tiptoffe and Berk, and since to others, were, and have been to compound with those who desired to compound, not otherwise; they had no power to compell any, to fine any; that trust, by the law, was and is onely in the judges: so that if this duty were a right to his majesty, and the persons liable refuse to compound, for ought these judges can doe, the king must loose this duty; they can impose no fine; onely they have found a trick, which they call the course of the court, to make his majesty a faver. Appeare while you will, plead what you will, submit to the mercy of the court; issues shall goe on still, as if you did neither, till you have done somewhat that court will not order you to doe, nor is bound to take notice of when you have done. Your lordships will help us out of this circle; and that you may see how incapable they are of any excuse in this point, the very mittimus out of the chancery gives them expresse command, amongst other things, *ut fines omnium illorum qui juxta proclamationem prædict. ordinem ante prædict. diem suscepisse debuerunt, capiatis, &c.* 'Tis onely worth your lordships observation, this misfortune commonly attends (and may it ever,) those absolute, disused rights, that, be the thing in it selfe in a degree lawfull, the advisers and ministers of it so faile in the execution, that as it usually proves as grievous to the subject, so, by some circumstances, it proves as penall to the instruments, as if it were, in the very nature of the thing, against all the lawes of government.

I have wearied your lordships. You see in what a dresse of injustice, subtility, and oppression, I am very unwillingly compelled to present these judges to you: if they appeare to your lordships under any other character of known and confessed learning, in the whole course of their lives, how farre that will aggravate their fault your lordships must onely judge: if under the excuse of ignorance, or not so much knowledge in the duty of their places, your lordships will easily conclude what infinite mischiefe, of which your lordships have no particular information, the subjects of this kingdom have suffered in their lives, in their fortunes, under such ignorance, and such presumption: if under the reputation of prudence and integrity in all cases, except these presented to your lordships, your lordships will be at least of the same opinion that he of Lacedemon was of the Athenians,—if they carried themselves well when time was, and now ill, they deserve a double punishment; because they are not good, as they were, and because they are evill, as they were not.

My lords, if the excellent, envied constitution of this kingdome hath beene of late distempered, your lordships see the causes: if the sweet harmony betweene the kings

protection and the subjects obedience hath unluckily suffered interruption; if the royall justice and honour of the best of kings hath beene mistaken by his people; if the duty and affection of the most faithfull and loyall nation hath been suspected by their gracious soveraigne; if, by these misrepresentations and these misunderstandings, the king and people have beene robbed of the delight and comfort of each other, and the blessed peace of this island beene shaken and frighted into tumults and commotion, into the poverty, though not into the rage of warre, as a people prepared for destruction and desolation: these are the men, actively or passively, by doing or not doing, have brought this upon us: *Misera servitus falsa pax vocatur: ubi judicia desinunt incipit bellum.*

My lords, I am commanded by the house of commons to desire your lordships that these three judges may be speedily required to make their answers to these impeachments; and that such farther proceedings may be had against them as the course and justice of parliament will admit.

A Speech delivered by the Honourable William Pierrepont, second Son to the Right Honorable the Earle of Kingstone, against Sir Robert Berkley, Knight, one of the Justices of the Kings Bench, at a Conference of both Houses in the Painted Chamber, July 6, 1641.

My Lords,

I AM commanded to present to your lordships these articles, with which the knights, citizens, and burgesses of the commons house of parliament, in their own name, and in the name of all the commons of England, impeach Sir Robert Berkley, knight, one of the justices of his majesties court of Kings Bench, in maintenance of their accusation of high treason, and other great misdemeanours. These articles they desire may be read.

The Articles were read by Mr Newport.

The high treason is, in the first article, in his endeavours to subvert the fundamentall laws of this realm, and to introduce an arbitrary and tyrannicall government, which have been lately adjudged treason in the cause of the Earle of Strafford.

The other articles (of his opinions, certificates, judgments, denials of the benefits of our laws, which have been read to your lordships,) prove the first. Our goods, our lands, our bodies, the peace of a good conscience, are by him given up to arbitrary, tyrannicall government.

Our ancestors have with great care provided for judges to know the lawes, to make them just, or fear them from being evil. We have innes of court, for the peculiar study of our lawes; judges from thence only chosen; seldome any but such as have been twenty yeares there. Honours and revenues are given to judges, encouragements to do well: this judge had these. Judges are sworn according to law to serve the king and his people, according to law to counsell the king, and for not so doing, to be at his will for body, lands, and goods: this judge took that oath. The lawes the judges study impose the greatest punishments on unjust judges, shew that those punishments have been inflicted: more could not be done to persuade or fear a judge.

His offences shew in him great ambition; yet he was most timorous of displeasing the great men then in power. He did not only forbear doing what he was sworn to do

but with them was most active against our lawes, and in opposing and punishing any that did maintain them.

To have only received bribes, (though they blind the eyes, and though the desire to get money encreaseth with age,) that hainous crime in a judge had, compared with his offences, been a tolerable vice; for, from such a judge, justice is also to be had for money. Ambition is violent, and ruines, whilst covetousnesse is making a bargain.

The words of his opinion and judgement are for the kings power. It is pleasing to the nature of man that others should obey his will; and even well framed dispositions of princes may easily be persuaded to a desire of unlimited power, from this ground, that thereby they have more opportunities of doing good, the greatest happinesse that man is capable of. For the most oppressive designes (which we have suffered under,) the pretences to his majestie have ever been the good of his subjects: his is the sin, that is to judge by the lawes, and knowes the lawes are to the contrary, yet puts and confirmes such thoughts in his prince.

He that incites another to arbitrary government, when his selfe-ends are thereby compassed, hates him for taking that power he persuaded him unto.

The writs, those monsters of necessitie, to provide ships to prevent imminent danger, that could not stay forty daies for the calling of a parliament, were therefore to goe out in September to have ships ready in March: these have been adjudged by your lordships to bee destructive to the fundamentall laws of this realm, and to the subjects right of property and liberty, that I shall say concerning them but thus, that this judge published them to bee inseparable flowers of the crown: and that wee have lived to see for five yeares together imminent danger, and to be prevented by them.

This judge did advise to such a government as future kings here might exercise the highest tyrannies, and the subjects want the benefit of restraints known to the most slavish Easterne nations, where, if their prince doth unjustly, he hath hatred for it, and the dangers that follow that. This judge will have that hatred to goe to our good lawes. No such bondage as when lawes of freedom are misinterpreted by judges, to make men slaves.

For a judge of law to give his opinion and advice to his prince how the lawes, the mutuall covenants of kings and subjects, may be broken; it can bear no other construction, but that his intentions are to have his prince doe ill, and to make his evill servants to study wicked designes; because they see means to put them in execution, by making them to persuade their prince, because in imminent danger, his subjects goods are at his will, that there is such danger when there is not; and they only have some by-ends of their own.

A judge is not to determine what may be done by the king, or what may be done by the subject, in a cause of imminent danger, or in any other where the lawes set no rule; for what greater offence then for a judge to deliver his opinion, that if the king should intend to give up his people to be destroyed by foreign forces, for the safety of the people in that imminent danger, a subject by the law might take away the king.

This judge will have our law to be what to him seems reason; when as the reason limited to him to judge of, is what the common law and statutes do say. For him to judge this or that is law, else a mischief will follow, is at best for him; but this the law in such a thing is imperfect, therefore he will make a law to supply it; or because that the law written in such particulars is against his reason, therefore his reasons to be laws then must follow: as often as a judges reason changes, or judges change, our laws change also.

Our liberties are in our laws, where a subject may reade, or hear read, this is his, this he may do, and be safe, and that thus the judge ought to give judgment. The excessive groweth of courts of reason, conscience, came from great and cunning persons, and

though not the most sodain, yet they are the most dangerous, and sure wayes to eat out our lawes, our liberties.

Unlimited power must be in some to make and repeal laws, to fit the dispositions of times and persons: nature placeth this in common consent only, and where all cannot conveniently meet, instructeth them to give their consents to some they know or believe so well of as to be bound to what they agree on. His majestie, your lordships, and the commons, are thus met in parliament, (and so long as we are often reduced to this main foundation, our king and we shall prosper). The power of a judge is limited by the lawes made.

This judge will not allow us our knowledge or any reason; he will have our minds, our souls slaves. A grand jury man gave his fellows true information; they present an innovation in the church, are threatned and reviled for it; he that told this truth is charged (I shall use this judges own words) to sin in that, and that he made others forswear themselves: this judge sent him to the common goal, where he is laid in irons, and all this, because he and they durst meddle with church-matters. He is forced to tear the presentment in pieces in open court. Our laws provide for the peace of our consciences, many acts of parliament are for it, and the trust by those acts left to juries: this judge well knew all this. Your lordships have heard what he did to the jury at Hartford. He would have us to know no more divinity then to obey what the great of the clergy directed, no more law then what he said was so.

Judges in former times, (but onely such as were examples of punishment, as of injustice), in cases of great and publike concernment, forbeare proceedings till the next parliament. This necessitated the calling of parliaments. This judge had as many such causes before him as ever any had, yet he never desired the resolution of parliament in any one; for the ways he went, the necessitie was never to have a parliament: he would pull up that root of our safeties and liberties, which whilst we enjoy, the malice or injustice of all other courts and persons can never ruine, and when neere to ruin, (as most neere of late), that onely sure remedy will help us. Nothing can ruine a parliament, but itself.

The evills which we have suffered under, they were committed by the judges, or by them ought to have been and might have been prevented.

This judge assisted in causing the miseries we suffered in the Star-chamber and at the councell table: he denied the known rights which he ought to have granted us to stop our grievances in the ecclesiasticall courts; his unjust judgments were the causes of our sufferings in other courts.

The best lovers of their laws and liberties, the most honest, suffer most by an unjust judge; they most oppose his vices: dishonest persons find such a judge to fit their purposes, the judge finds them for his, the bond of iniquity confederates them.

He that will do no wrong, will suffer none which he can help: the man that knows himself born free, will do his utmost to live so, and to leave freedome to his posterity: were he in slavery, when by outward gesture thought to be most delighted, were his mind then known, there would be found vexation, and his busie thoughts imployed to redeem himself and his posterity from thraldome. But could this judge intend to make himself and his own posterity slaves? What he did was through errour of judgement onely. No, my lords; what his aimes and endeavours were is apparent. To consider man in the generall, we shall find in every age he will be a slave to some few, that many may be slaves to him; he looks to himself onely; this he would doe, or forbear doing, to be great, to be rich, had he children or kindred, or had none. This highly unjust judge, by continuing sinnes, maintained his actions to preserve himself: he knew to be found guilty in one of his offences; the penaltie of the law for it therefore covered the offences committed with inventing and acting others.

For a judge to be unjust, more hurts the publique then any other; he is not suspected. What a judge doth is looked on as a thing that ought to be done. The most pernitious great man that by cunning hath got to himselfe the heart and tongue of his prince, his ill acts hath dyed with him, if not taken up by others, and then they walke in darknesse. No man will justifie what he doth by saying such a favourite did it. But the unjust judgements of this judge were given in the noone day, were done in the face of the whole kingdome, in the hearing of such as might carry the newes to all parts of the realm, and were therefore done. His unjust judgements were our records. We have seen wicked great men most craftily politique; they hated our laws; yet not meeting with active judges moulded to their purposes, they and their acts have dyed. The realm flourished; but of late, others lesse politique meeting with most unjust judges, every way as ill as they could wish them to be, then did the kingdome faint under the load of its misery, did long struggle; now its rising, I assure myself your lordships will assist to take off the burden.

Had a great man desired the estates of others, the breach of a proclamation might readily have been charged against them in the Star-chamber; but they, it may be, could have answered and cleared themselves, and proved their answers by testimonies: had they been referred to this judge, he would have expunged the one, suppressed the other. Then followed fines, to the value of their estates, or more, then imprisonments, of course, till they paid such fines. Your lordships have heard what this judge did to the sope-boylers.

If the designes of some would not have such a man to be at liberty, a warrant from some lords of the councell would soon have laid him in prison, and given no cause: had he moved this judge to be discharged or bailed, he could have obtained neither: if their ways would not have endured that man to live, a judge reviling the prisoner and his councell, that moved for his discharge or baile, joyned with the hate of some great man, m ght soon have moved a goaler for unwholesome rooms and lodgings, and ill diet for his prisoner, and they may soon take life away.

Offenders in prisons are looked after to be safe; onely such as are brought in by power, against law, are abused

The country-man followed the plough, and his thinking he was assured of his right of propertie and libertie, gave him ability to do it. He beleeved his neighbour, his landlord, his king, could not take his goods from him without his consent. He knew the usuall paiments by law, and in extraordinary causes thought to have that care to choose such for his knights of the shire, or for his burgesses, as might be mindfull of the cause of paiment, and of his estate.

This man hath heard the opinions and judgement of this judge, hath seen his goods taken from him without his, or his knights of the shire, or burgesses consent or advise. These have made him, his wife and children, to joine in teares, to wish they had never been born; these have made them think on many wayes to keepe safe that estate which was yet left them, have made them desire to sell all their goods, and hide the money; but then he remembers this judge, how that he shall be carried to prison, and remain there, if he pay not what please others to assesse him. Then they thinke idle persons (the droanes and moths of the common-wealth) to be a wise people, who be unworthy to live, they formerly conceited. They expect and can think of nothing but to be beggars.

Where publike and enormous offences have been committed, eminent and notorious punishments must be: such will make your lordships proceedings highly esteemed; else there will be so many offenders, as none without danger can be punished.

This judge, subverting our lawes, tooke away the hearts of many; he subscribed for the king's power, but so as he put him on taking his subjects goods; and, of all other, such

wayes be most dangerous; for we know his majestie is not the last that suffers; and is not the king worth many thousands.

The place of this judge was to have given and preserved to the king the hearts of his subjects; the due execution of the lawes had done this; and when such notice is taken of a prince, none will conspire against him who cannot faine to themselves safety before or after any fact committed. Forraigne enemies will not invade his kingdomes.

Thus hath his majestie now got our hearts, and will for ever have them. This judge is to answer for what his majestie and for what we have suffered.

I am, by command of the house of commons, to desire your lordships that the proceedings against Sir Robert Berkley, knight, one of the justices of his majesties court of Kings Bench, may be put in as speedy a way of triall as the course of parliament will allow.

A Speech delivered in the House of Commons, July 7th, 1641, being resolved into a Committee [so neer as it could be collected together] in the Palatine Cause; by Sir Simonds D'Ewes.

This speech was delivered on occasion of a royal manifesto concerning the Elector Palatine, Charles's nephew, who had besought his uncle that he would countenance his cause in the imperial diet about to be held at Ratisbon, and procure, if possible, the restitution and establishment of the electoral house. Charles accordingly agreed to send an ambassador to the diet, but anticipating no very favourable result from such intercession, he published a manifesto, declaring that he would not abandon the rights of a family so nearly connected with him, but would employ for their redress all the power with which God had endowed him. He recommended this manifesto to the consideration of both houses of parliament, who passed the following votes thereupon:—

"*Die Mercurii*, 7 *Julii*, 1641.

"Resolved upon the question, That this house doth approve of his majesty's pious intentions in the behalf of his royal sister and his nephew, the prince Elector Palatine, and the rest of the princes of that family, and of the publishing this manifest to that purpose; and that this house will be ready to give his majesty such advice and assistance therein by parliament, as shall stand with the honour of his majesty, and the interest and affections of this kingdom, if the present treaty shall not succeed.

"*Die Sabbathi*, 10 *Julii*, 1641.

"Resolved in like manner upon the question, by the house of peers, That they do concur in this vote with the house of commons.

"I am likewise commanded to present the humble desires of both the houses of parliament,—

"That your majesty will be pleased to recommend this manifest to the parliament of Scotland, to have the concurrence of that kingdom.

"Thus much was delivered by the speaker of the house of peers, both houses then attending his majesty in the Banqueting-house at Whitehall. To which his majesty was graciously pleased to make them this answer:

"We take very thankfully the concurrent advices of both the houses of parliament, in so great and pious a work, declared in these votes and resolutions, which you have read unto us.

"We will also take care to recommend this manifest unto the parliament in Scotland, to have the concurrence of that kingdom; which we doubt not but they will perform."—Rushworth, iv. 311.

Sir,

Wee have, during this parliament, fallen upon the debate of the greatest and most important affaires, concerning our owne good and welfaire at home, that ever were agitated and discussed at one meeting in the house of commons. And we are at this present, by the gratious invitation of his royall majestie, expressed in his most just manifest read unto us, resolved to take into consideration the most sublime and most difficult busines of the christian world abroad; which hath for the space of above twenty yeares last past, drawen all the kingdomes and states of Europe into an immediate or mediate ingagement: in which there have beene twenty pitch't battles fought; a million of men, women, and children destroyed by the sword, by the flames, by famine, and by pestilence; and that sometimes populous and fertile empire of Germany reduced to a most extreme and calamitous desolation. I have, in those few spare houres I could borrow yesterday from the publike service of the house, recollected some particulars which may conduce to the clearing of this great cause, being drawn out of the autographs themselves, or out of our records at home, or out of the writings of our very adversaries, and others abroad. I shall therefore beginne at the originall itselfe of the never enough to be lamented losse of the prince Palatine's dominions and electorall dignity; that so wee may take along with us, in our intended disputes, not onely our affections, but our consciences. It is therefore very manifest to all that are but meanly verst in the cabinet affaires of Christendom, that the jesuites have consulted for many yeares last past, as well before as since the furious warres of Germany, by what meanes to ruine the evangelicall princes and partie there. Their chiefe aime hath beene, so to divide the protestant princes amongst themselves, as they might be made use of each against other, for the ruine each of other. The first occasion that offered itselfe within our memories, was the pretences of severall competitors to the dukedomes of Cleve and Juliers; and they failed but a very little to have executed their intended designe upon that occasion: but their hopes failing in it, they apply themselves integrally to Ferdinand of Austria, duke of Gratz, a prince not long since so poore, and of so meane a consideration, to adde the waighte of but one graine to the down-ballancing of the affaires of Christendome, as his name was scarce heard of.

They find him a fit subject for them to worke upon, having from his cradle been bredd up in an extreme hatred of the protestant party, who professed the truth. They resound nothing into the eares of the old emperour Matthias, but his cousin Ferdinand's high merits; so as hee, passing by his owne naturall brothers, and the head of his house, the Spanish king, adopts Ferdinand of Gratz for his sonne, so to prepare a way to make him the successor of his scepter, crown, and purple.

Then were the sacred dyets of the empire, the ancient meanes to reconcile differences and prevent jealousies, as often dissolved abortively, as called insincerely. Rumours were spread of practices and designes against the protestant princes and cities; and that those rumours might not vanish in smoake, the liberties of the great and ancient citie of Stratsburgh were opprest. The protestant princes seeing materials and engins on every side prepared for their ruine, were necessitated to meete at Heilburn, and there to conclude an union amongst themselves.

This gave the jesuites an assured hope of making Germany speedily miserable by a calamitous warre; for not onely the Pontifican princes tooke the opportunitie to settle a catholike league, as they call'd it, amongst themselves, but also, the elector of Saxony, like a true pseudo-Lutheran, neither protestant nor papist, shewes as good an affection to the catholike league as the evangelike union. The old emperour Matthias begins now to act his part, and the jesuites spurre on their ready scholler, Ferdinand of Gratz, to ascend the bloody theator they had so long designed him. Through the old emperours intercession, abusing the Bohemian protestants credulity, with sugred flatteries and

large promises, he is admitted to the crown of that rich kingdome, which soone after made way for him unto the crown of Hungary also. The jesuites and the Spaniard did now onely want a faire occasion to begin a warre in Germany. The emperour Matthias labours with the protestant princes to dissolve their union; which not taking effect, the bishop of Spiers is encouraged under-hand to pick a quarrell with the prince Elector Palatine, and to build a strong fortresse upon his neighbours territores, p e-tending hee had right to that plott of ground upon which the said fortresse was raised: but an higher providence did not suffer this sparke to set Germany on fire, though it had been kindled at the prince electors owne doore, (to affront and provoke him); for he, by an incredible celerity, did cause the said fortresse to be demolished before the enemy could fit and furnish it for his intended use, which made him sit still, and study for a new occasion; which, that it might not be long wanting, the liberties and priviledges of the protestants in Bohemia, contrarie to their new king Ferdinands oath, were temerated; and by that meanes, in the year 1619, the greater part of the estates of that kingdome were necessitated, after mature deliberation, to abdicate him, and to elect Frederick, prince Elector Palatine, for their king.

And thus are we arrived at that sadd period of time upon which so many fatalities have ensued; in which we may see evidentlie, that the prince Elector Palatine was not causallie guilty of any part of that ocean of bloud that hath beene since spilt in Germany, as the Pontifican side pretend he was. The scene was long before prepared by the enemies of the truth; and the kingdome of Bohemia was filled with arms and hostilities diverse monthes before his accepting of that crowne, when himselfe laboured, by an earnest mediation, to have a peaceable issue to those bloudie begimnings. It was the honour and greatnesse of that matchlesse princesse that he gained heere, and the considerable succours they expected from hence, that especially drew the Bohemians to that choice. It therefore concernes us now at length to provide that the prince elector himselfe, and the other princelie branches of that great familie, (being the second, without question, if not the first, and most ancient in the empire,) extracted, by their last match, from the royall line of Great Britaine, should not, under colour of their fathers accepting that crown, to which they now pretend no title, be for ever despoiled of their ancient inheritance and electorall dignitie: to which calamitie they had never been reduced, had not the French king at that time forgotten the old maxime of his predecessors, which was, to keepe even the ballance of Germanie; to which also did most fatallie concurre, the duke of Bavarias ambition, betraying his owne bloud, and the duke of Saxonies taking of armes against the evangelicall partie. By this meanes, and the advancing of Spinola with the Spanish armie out of the Nether-Lands, was not onely the kingdom of Bohemia lost in a few monthes, but the Palatinate also, excepting some few places of strength infested by the enemie, and that poore people left to slaughter, calamitie, and desolation. The correspondence of some ill ministers of this state abroad, with those of forraine states here, assisted by some fatall instruments at home, furthered all this mischiefe at the instant, putting this state in hope of a match, when supplies should rather have beene sent from hence, to have preserved at least the electorall territories from an invading power. It is true, that the Spanish match had been generally treated off some five or six yeares before this fatall fire kindled in Germany, being first set on foote by the duke of Lerma, under Philip of Austria, the late king of Spaine: but now it was effectually advanced, and fortified with a conjoyned treatie of accommodating the Palatine cause without effusion of bloud. This, and much more, appears in the originall journall-bookes of the two houses of parliament in *anno* 21 *Jacobi Regis*, which I have so far perused, as so short a time would give leave; and though that matters are there set downe at large, especially in the records of the house of peers, yet I have abstracted it into so narrow a compasse, as may well sort with the

little spare time of this house to heare it. The relation was first made at White-hall, during that parliament, in the presence of the greater part of both the said houses, on Tuesday Febr. 24., and it was afterwards reported, upon Friday the 27. day of the same moneth next ensuing, in the lords house, by the then lord-keeper, and in the house of commons by Sir Richard Weston, at that time chancellor of the exchequer. It is there at large set forth, that his majesties royall father having had severall faire promises from the emperour Ferdinand the 2d. and the king of Spaine, of a peaceable restitution of the Palatinate, caused not onely such considerable forces as were then remaining in Germanie under the prince electors ensignes to disband, but procured also some places of strength in the Palatinate it selfe to be surrendered and consigned over in trust to the late Infanta of Spaine. But in the yeare 1622, our late royall sovereigne king James, upon his ambassadors returne from Bruxels, having discovered the emperours intentions to be full of insinceritie and deceit, wrote his princelie letters, bearing date at Hampton-Court, October 3, 1622, to the (then and still) earle of Bristow, his majesties extraordinarie ambassador in Spaine; to let him know that he now perceived little sincerity in all the Spanish kings promises for the peaceable restitution of the Palatinate, by whose onely meanes he had suffered the same to be lost to the emperour; and that therefore he should presently presse that king either to give a full and direct answer, under his hand and seale, for the restitution thereof, or else to joyne his armes with his majesties, against the emperour, for the recoverie of the same. But this matter, as it further appears by the originall journall booke of the lords house, being either not thoroughly pressed, or notably dissembled, so many delaies ensued, one upon the necke of another, as, in the issue, it drew his royall majestie, then Prince of Wales, to undertake that dangerous and remote journey unto that nation, which hath bin the long and hereditarie enemy of England. This journey was chiefly undertaken, by so great a prince, to add an end, one way or other, to that unfortunate treatie; and his staie in Spaine so long, did causually proceed from his earnest desire to have effected a peaceable restitution of the Palatinate; and therefore I doubt not but he shall now live to verifie that excellent and heroicke expression which he made to the Conde de Olivarez a little before his comming out of that kingdom:—

"Looke for neither marriage nor friendship, without the restitution of the Palatinate."

And I assure my selfe, that the force and power of Great Brittaine, which was lately, by subtile and wicked instruments, divided against it selfe, being now united in one againe, will bee able to effect such great and considerable actions, as shall render his majesties name and raigne glorious to all posterity. The two houses of parliament at that time received the before mentioned declaration with so much resentment, as, having first rendred glory to God, that had so seasonably discovered the Spanish frauds, and next their humble acknowledgements to their then gratious soveraigne, for requiring their counsels in a businesse of so great importance, they did unanimously advize him to breake off the said two treaties, touching the marriage and the restitution of the Palatinate; ingaging no lesse then their persons and purses for the recovery of the then prince electors ancient and hereditarie dominions. It appeares also in the originall journall booke of this house, De a°. 1°. Caroli, that this great busines was againe taken into consideration, but was finally intombed, with other matters of great moment, by the fatall and abortive dissolution of that parliament. If, therefore, this great counsell of the kingdome did, in those two former parliaments, account the restitution of this illustrious and princely family to bee of such great necessity for the preserving of true religion abroad, and securing our selves at home, as to ingage themselves for an assistance therein; certainely wee may, upon much bet-

ter grounds, undertake the same now; when I assure myself we may goe as farre with a thousand pounds for the present, as we could have done with ten thousand at that time; for let us but take a short view of the estate of Christendome, what it was then, and what it is now, and we shall easily perceive a great alteration in the ballance thereof.

In France, where Monsieur de Luynes did then rule all, being himselfe acted by the popes legate, that king, contrary to the examples of Francis the First, Henry the Second, and of Henry the Great, his own father, and contrary to the maximes and interest of that state, and his owne safety, advanced the formidable power and spreading greatnes of the house of Austria: but now the same French kings eyes have been so opened, that, shaking off the former unhappie slumber hee was in, hee hath, by his armes and power, to his immortal honour and glory, for divers yeares last past, endeavoured to restore againe that libertie to the German empire, in the ruine of which himselfe had so fatallie before concurred.

The Swedes were then involved in severall warres or jealousies with the Pole, and enforced to keepe at home to defend their owne, but now have a strong armie, and possesse divers places of important consequence, within the very bowells of the empire.

The episcopall electors, with the other Pontifican princes and prelates, the sworne enemies of the protestant religion, were then rich and potent; but since, most of their countries and territories have tasted of the same calamities of warre which they had formerly brought upon their neighbours, so as now they are most of them scarce able to defend their owne, much lesse to offend any other.

The pseudo-Lutheran elector of Saxony, that is causallie guiltie, more then anie other single person living, of all those calamities and slaughters which have for so many yeares wasted Germanie, and was then so liberall of his treasure, and so forward with his armes, to ancillate to the emperors designes, to the almost utter subversion of the true religion in Germanie, is now, after the reiterated temerations of his faith and promises, the fatall survivor of the severall devastations of his owne cuntrie and dominions: so as all those vast difficulties and great dangers which might well have retarded the forwardness of those two former parliaments, the first being held in the 22. yeare of his majesties roiall father, and the latter in his owne first yeare, being now removed, wee have greater encouragements then ever to concurre with our sacred soveraigne in the asserting of this his most just and princely manifest.

For mine owne part, I expect no good issue of the present treatie at the diet of Ratisbone. I know the duke of Bavarias ambition too well, ever to imagine that he will part with those large revenues, and much lesse with the septem-virall dignitie and suffrage hee hath obtained by the prince electors calamitie and misfortune, unles it be extorted from him by force of armes. My humble advice therefore is, that wee send up to the lords, to desire a speedy conference with them, in which we may acquaint their lordships how farre we have proceeded in our approbation of his majesties most royall manifest, and to move them to concurre unanimously with us therein.

Two Speeches spoken by Sir Simonds D'Ewes; the first touching the Antiquity of Cambridge, lately published by John Thomas, with many ignorant and foolish mistakes, which are here rectified; the other concerning the Priviledge of Parliament in causes Civill and Criminall.

The bill of four subsidies, for the reliefe of the kings army and the northern counties, having been drawn by a committee, Cambridge was placed before Oxford in the same. After it had beene read the second time in the house of commons, it was committed, to be disputed and debated in a grand committee of the whole house; which said grand committee did accordingly debate the same bill, (as at other times,) on Saturday, January the second, 1640, in the afternoone; and when it came to that clause where Cambridge was placed before Oxford, Sir Simonds D'Ewes spake in effect following, having only a few fragmentary notes by him, to have prevented the putting of a question for the alteration.

I stand up to perswade, if it may be, the declining of the present question, and the further dispute of this businesse. Yesterday wee had long debate about the putting out of a word, and now we are fallen upon the dispute of putting one word before another. I account it no honour to Cambridge, that it got the precedence by voyces at the former committee, nor will it be any glory to Oxford to gaine it by voyces here, where we all know the multitude of burrough townes of the westerne parts of England doe send so many worthy members hither, that if we measure things by number, and not by weight, Cambridge is sure to loose;---I would therefore propound a more noble way and meanes for the decision of the present controversie then by question; in which, if the universitie of Oxford (which for mine owne part I doe highly respect and honour,) shall obtaine the prize, it will be farre more glory to it then to carry it by multitude of voyces, which indeed can be none at all. Let us therefore dispute it by reason, and not make an idoll of either place; and if I shall be so convinced, I shall readily change my vote, wishing we may finde the same ingenuity in the Oxford men.

There are two principall respects, besides others, in which these famous universities may claime precedence each of other.

First, in respect of their being, as they were places of note in the elder ages.

Secondly, as they were ancient nurseries and seed-plots of learning.

If I doe not therefore prove that Cambridge was a renowned citie at least 500 yeares before there was a house of Oxford standing, and whilest bruite beasts fed, or corne was sowne on that place where the same citie is now seated; and that Cambridge was a nursery of learning before Oxford was knowne to have a grammar schoole in it, I will yeeld up the bucklers. If I should loose time to reckon up the vaine allegations produced for the antiquity of Oxford by Twyne, and of Cambridge by Caius, I should but repeate *deliria senum*; for I account the most of that they have published in print to be no better. But I find my authoritie without exception, that in the ancient catalogue of the cities of Brittaine, Cambridge is the ninth in number, where London it selfe is but the eleventh; and who would have thought that ever Oxford should have contended for precedence with Cambridge, which London gave it above 1200 yeares since? This I finde in Gildas Albanius his Brittish story, who did about the yeare 520, being the ancientest domestike monument we have, pag. 60; and in a Saxon

anonymous storie, written in Latin, touching the Brittaines and Saxons, pag. 39., who saith of himselfe, that he lived in the dayes of Penda king of the Mercians, in the tenth yeare of his raigne, and that hee knew him well; which falls out to be neare upon the yeare 620. And lastly, I finde the catalogue of the said Brittish cities, with some little variation, to be set down in Nennius his Latine story of Brittaine, p. 38.; and he wrote the same, as he saies of himselfe, in the yeare 880. They all call it Cair-grant; the word Cair, in the old Celtique tongue, signifying a citie.

These three stories are exoticke and rare monuments remaining, yet only in ancient manuscripts, amongst us not known to many; but the authority of them is irrefragable, and without exception. The best and most ancient copies that I have seene of Gildas Albanius and Nennius remaine in the university library of Cambridge, being those I have vouched, and the Saxon Anonymus in a library neare us. This Cair-grant is not only expounded, by Alfred of Beverley, to signifie Cambridge, but also by William de Ramsey, abbot of Croyland, in his manuscript story of the life of Guthlacus, ignorantly, in those elder dayes, reputed a saint. The said William goes further, and sayes, it was so called a *granta flumine*. This place remained still a citie of fame and repute a long time under the raigne of the English Saxons, and is called, in diverse of the old manuscript Saxon annals, *Granteceaster*. And notwithstanding the great devastations it suffered, with other places, by reason of some Danish incursions, yet in the first tome or volume of the booke of DOMESDEI, (for now I come to cite record,) it appears to have bin a place of considerable moment, having in it *decem custodias*, and a castle of great strength and extent; and so I have done with Cambridge as a renowned place.

And now I come to speak to it as it hath bin a nursery of learning; nor will I begin higher with it then the time of the learned Saxon monarch King Alfred, because I suppose that no man wil question or gainsay, but that there are sufficient testimonies of certain persons that did together, in Cambridge, study the arts and sciences much about the time. And it grew to bee a place so famous for learning about the time of William the First, the Normane, that he sent his younger son Henry thither, to be there instructed, who himselfe being afterwards king of England, by the name of Henry the First, was also sirnamed Beauclerk, in respect of his great and invulgar knowledge. If I should undertake to alledge and vouch the records and other monuments of good authority which assert and prove the encrease and flourishing estate of this universitie in the succeeding ages, I should spend more time than our great and weighty occasions at this time will permit: it shall therefore suffice to have added, that the most ancient and first endowed colledge of England was Valence colledge, in Cambridge, which, after the foundation thereof, as appears by one of our parliament rolls, remaining upon record in the Tower of London, received the new name or appellation of Pembrocke-hall. It is in *Rotu. Parliam. de An.* 38. *H.* 6. *Num.* 31. It appearing therefore so evidently, by all that I have said, that Cambridge is in all respects the elder sister (which I speak not to derogate from Oxford,) my humble advice is, that we lay aside the present question, as well to avoid division amongst ourselves, as to entombe all further emulation betweene the two sisters, and that we suffer the present bill to passe as it is now penned, and the rather, because I thinke Oxford had the precedence in the last bill of this nature that passed this house.

A Speech spoken by Sir Simonds D'Ewes, (so neare as it could be collected together,) touching the Priviledge of Parliament in causes Criminall and Civill, at a Committee of the House of Commons, in the Guildhall, in London, on the sixt day of January, 1641.

This speech relates to the well-known attempt to seize the persons of the five members. It makes a part of the same pamphlet with the foregoing speech on the Palatinate affairs, and would otherwise have been more properly placed with other tracts relative to the rash attempt of Charles, which occur lower in this volume.

Sir,

I PERCEIVE that the maine doubt upon the late questioning of some of the members of the house of commons is, whether or no there be any priviledges of parliament in matter of [1] treason, or other capital offences, in which I cannot denny but that there is a common saying, (and yet more common than erroneous,) that priviledge of parliament doth not extend to felony and treason; for there is a double priviledge of parliament, the one finall, and the other temporarie. Our finall priviledge extends to all civill causes and suites in law, and that continues during the parliament; the other priviledge, that is temporary, extends to all capitall causes, as treason, or the like, in which the persons and goods of the members of both houses are freed from seizure till the said houses be first satisfied of their crimes, and so doe deliver their bodies up to be committed to safe custody; and the reason of it is evident; because their crime must either be committed within the same houses or without them: as, for example, if any member of the house of commons be accused for treasonable actions or words committed or spoken within the walls of the same house, then there is a necessitie that not only the matter of fact, but the matter of crime also, must bee adjudged by that house; for it can appeare to no other court what was there done, in respect that it were the highest treachery and breach of priviledge for any member of that house to witnes or reveale what was there done or spoken, without the leave and direction of the same house. And if it be for treason committed out of the house, yet still the house must bee first satisfied with the matter of fact, before they part with their members; for else all priviledge of parliament must of necessitie bee destroyed; and by the same reason that they accuse one of the said members, they may accuse fortie or fiftie upon imaginary and false treasons, and so commit them to custody, and deprive the house of their members; whereas, on the contrary side, the house of commons hath ever beene so just as to part with such members, when they have beene discovered: as, in the parliament *de anno* 27 of Queene Elizabeth, Doctor Parry, being a member of the house of commons, had no articles of treason preferred against him till the house had discomposed him from being one of their members, and that the chiefe heads and branches of the said treason had beene knowne unto the house, partly by his owne confession, and partly by other proofes:

[1] Vide Rot. Par. de *An* 31. and 32. *H.* 6. *n.* 27.

and yet if ever treason required a speedy tryall, that did; for it concerned no lesse then the murder and assassination of the queen herselfe. (See the originall Journall-booke of the house of commons, *de anno 27 Regin. Eliz. p.* 85. *and p.* 103.) And so likewise in Master Copleys case, in the parliament in the last yeare of Queene Mary, who spake very dangerous words against the said queene; yet it was tried in the house of commons, as appears in the originall Journall-booke of the same house; and the said queene, at their intreaty, did afterwards remit it. But for the case of these gentlemen that are now in question, it doth not yet appeare to us whether it bee for a crime done within the walles of the house of commons or without; so as, for ought wee know, the whole judicature thereof must first passe with us; for the lords did make an act declaratory in the parliament, *Roll de An.* 4. *E.* 3. *Num.* 6. that the judgements of peeres onely did properly belong to them; so as I hold it somewhat cleere, that these gentlemen cannot bee condemned but by such a judgement onely as wherein the lords may joyne with the commons; and that must bee by bill; and the same priviledge is to the members of the lords house; for wee must not thinke that if a private person should come there, and accuse any of them of treason, that they will at all part with that member, or commit him to safe custody till the matter of fact be first proved before them.

'Tis true, indeed, that upon the empeachment of the house of commons for treason, or other capitall crimes, they doe immediately commit their members to safe custody; because it is first admitted that we accuse not till wee are satisfied in the matter of fact; and secondly, it is also supposed in law, that such an aggregate body as the house of commons is, will doe nothing, *ex livore, vel ex odio,* seeing they are entrusted by the whole commons of England with their estates and fortunes. So as, upon the whole matter, I conclude that the proceedings against these five gentlemen have been hitherto illegall, and against the priviledge of parliament.

Certain Considerations upon the Duties both of Prince and People. By Sir John Spelman.

Among many intemperances that minister disturbance to the church and state, we have those whose supine affectation of flattery has grown to that impudence, as that they have not only for learnings sake disputed, but in the name of the word of God, and at the time and place when we should expect no other than the lively oracles of God delivered, that the persons and fortunes of all subjects are absolutely at the will and command of the prince, to dispose according to his will and pleasure. To such licentiousnes we need give no other answer then only to demaund that the maintainers of such doctrine would put us but a case, wherein (those opinions of theirs being admitted) a prince can commit any injustice, and that they would shew us wherein lies the justice which the scripture commaunds princes to execute, and which it affirmes to be the establishment of their thrones,[1] and the violation of it to be their adversity or subversion.

We have on the other side those, who, finding it written that governours are for the good of the people, pursue it with sophistry, that the people are the end of princes and governors beings; and that therefore, as their government is for or against the good of the people, so may they be continued or deposed by them. To that end also there are opinions set on foot, that all government first came from the people, and that all authority does in the last place reside in them: That in every kingdome, the whole body of the people must of necessity contain all power and authority whatsoever either is or

[1] Prov. 29. 4.

may be erected in it; so as that all the people, or the greater part of them, (which amounts to all,) may by their votes re-assume all power into their own hands; abrogate all ordinances; anull the formes of present government; and new-mould the state into such formes and institutions as best liketh them. These are falsities which yet lay hold upon reasons, and prevaile over the judgements of many that are understanding men, and which have no evill affection toward goverment; and these are of that consequence, as that they subvert the stability of all kind of government whatsoever.

But were we shie of jesuitisme, as well as of popery, we would not with so little examination receive opinions which we know had their first hatching in the schoole of the jesuite. The matter would require a very large field, should we set forth all things that fitly conduce to the support of the truth; but my purpose is to be very short. Therefore, declining to controvert what may be, and usually is alleadged in the matter, I shall humbly offer to consideration such apprehensions of the truth as I have conceived lesse vulgar, and submitting them to the approbation and correction of better judgements, expect they shall returne unto mee with confirmation or rectification of my own private thoughts; if from so meane a talent no mite of benefit be raised to the publique.

And first, we are to consider that the originall of kingdoms is of three sorts, to wit, naturall, (which we may also call civill,) violent, (or, if you will, martiall,) or mixt with these two. The first was of parents over their children, childrens children, and servants bought or borne unto them. In this, the person of the governour was before the being of the subject, and his authority before ever the subject consented, or had power to obey or disobey. Such a king was Shem, called Melchisedeck, or king of righteousnesse. And a prince of this kind was Abraham, after that by Gods command he had left his country and his father Shems house, and lived of himselfe: and kings of this nature were they that were imitated in the names of Abimelech, Abiam, Abiram, Abram, Abishalom, &c. And this soveraignty was not inherent to the person of the father only, but from him descended, by right of primogeniture, to the eldest sonne,[1] to whose rule we see that God subjected the younger.

The second sort of kingdoms was wholly founded by the sword, over people that were subjugated by usurpers and invaders, such as followed the way of Nimrod; who, being potent in his naturall dominion, used his power to the oppression of his neighbours, and changed the state of government into tyranny; I say not the state of liberty, (as if till then men had lived in solute liberty,) but changed the naturall government into that which is tyranicall.

The third sort had much what the same originall with the second; where people surcharged at home and forced abroad; men in division, in distresse, in feare, exiles, and fugitives, distrusting their present condition, served themselves on the wit, spirit, and courage of some notable man, to whose command they (with such limitation of his power as they could agree on) subjected themselves, and then falling into action, prospered even into a kingdom: from hence sprung our moderne kingdoms, more novell and various in their frame, and many of them so qualified, as not properly to be called kingdoms, but rather republiques under regall stiles, with princes elective, much circumscribed in authority, and obnoxious to deposing. Now, in the first and second sort, apparantly the people had never any thing to doe with the institution and limitation of soveraign power; and though in the third sort they had more to doe therewith, yet not alike in all of that sort, nor had they the whole and sole power of instituting, scarce in any of that sort; so as we must rectify that misapprehension, that in all kingdoms the first derivation of authority was from the people.

In the next place, we are to consider that kingdomes are not associations of men in

[1] Gen. 4. 7.

their naturall capacityes, but communions of men *quatenùs* members politique, united in one common bond of obedience into one politicall body, where none can move to give his due aid for the weale of the body, bnt in the capacity of a politique member, and according to the peculiar office which every severall member properly ought to execute; which office the members duly exercising, make a true and perfect civill communion. Now, though we consider a kingdome as a meere civill or temporall state only; yet even there, the observance of this communion is a duty strictly required of every member, even by the law of nature, or morall law, and by the law of God itselfe; for man having lost his originall righteousnesse or justice, and consequently the right of governing himselfe, and being thereby necessarily subjected to the government of some justice, without himselfe, it was necessary, for his owne good and safety, that he should not only be subject to that justice in the things that concerned the well governing himselfe towards others, but likewise in those things that concerned his safety and defence from the violence of others misgoverning themselves towards him; and that necessarily brings in empire: so that (unlesse we can imagine some kingdome to consist of people sprung of themselves, in perfection of righteousnesse, not depending nor obliged to God or nature, nor obnoxious to those conditions to which the fall of man has subjected all men,) we cannot devise how men should naturally be free from subjection to government; and lesse, how (being subject) private men, in any state, should, in their naturall capacity, meddle with any thing concerning government, or so much as goe about the making, changing, or anulling of ordinances, or to compell governours to doe them, without being criminally culpable, not onely against the positive lawes of the land, but even against conscience, pressed with the bonds of naturall, or morall, and also divine law. Therefore, to explicate the sense which all intend, but some (not well distinguishing) confound; it is certainly true, that all the people of a kingdome must needs comprehend all power whatsoever is, or may be exercised in it; but when we say so, we, by all the people, meane the whole entire body of the members politique, from head to foot, every one of them abiding and working according to his proper and ordained office politique. But if, beside their ordinary office and power, any shall do or attempt any alteration in the state, (howsoever intended for common good,) their acts must needs be so farre from being lawfull, as, being from the beginning repugnant, and resisting the ordained power, it can never become a lawfull act, though all the subjects of a kingdome should after consent unto it.

But, in the third place, we are farther to consider, that if the kingdome be also a church of God, then is the originall and authority of it of farre higher nature, and more remote from the reach and power of the people. It is true, God is king of all kings, and highest soveraigne in all kingdomes, as well heathen as christian; yet as he cautioned in the behalfe of his church, that no stranger should be king there, but, by any meanes, one that was of the brethren of the people; so in his church, he himselfe is a neerer, and (as it were) a more cognate soveraigne than in other kingdomes, and his vicegerents there are of more immediate and more important subordination to him. For which cause he there reserves for himselfe the choice of the man, and leaves the people no more then the bare investing of him. Not but that God in all kingdomes makes kings whom he pleaseth; but he will have it known, that in his church the choice is not only his, and to be sought at his hand, but that he more strictly requires the observance of his right in his church, then he does otherwhere. Therefore he expresly commands there:[1] "Thou shalt in any case set him over thee, whom thy Lord thy God shall chuse."

And as in his church he to himselfe reserved the nomination, so when he had nominated, he did not leave it to the people there to declare the right and manner of the

[1] Deut. 17. 15.

kingdom; but, by the prophet by whom he signified his choice, by the same was the manner of the kingdom declared to the people, written in a book, and [1] laid up before the Lord.

Kings of Gods church, having from God a more immediate and more sacred ordination, have also a more especiall endowment of his spirit; for which cause they have beene instituted with anointing, and their persons therewith consecrated, for the exercise of their function. This we see in Saul, whose person (though he were a wicked prince) David in this respect declared so sacred, as that he pronounced a curse upon the mountains of Gilboa, because in them his person was cast downe and vilefied, without regard of the sacrednesse of his annointing. Their annointing, therefore, is not a meere outward solemnity, but is significant of the spirit of God in a more especiall manner given unto them; and from thence proceeds that which the scripture wistnesseth;[2]—[c] A divine sentence in the lipps of the king, yea, and a sacred integrity also: His mouth transgresseth not in judgement." And suitable to their prerogative of graces, beyond the ordinary of other princes, God vouchsafes them his eare, with more favour and familiarity then to the other, as we may see by his ready hearing, gratious answers, vouchsafed messages sent, and will declared touching them; not only to the good, as David, Salomon, Asa, Jehosaphat, Hezechiah, Josiah, &c. but even to Conia, Saul, Jeroboam, Ahab, Jehu, and other wicked princes. And we not only heare God himselfe saying, [3] "By me kings raigne;" and, [4] "I have said, yee are Gods;" but his word couples also the feare that is to be rendred unto kings with the feare that is due unto himselfe,—Feare God and the king. Keepe the kings commandment, in regard of the oath of the Lord. Nor is it ordinary obedience that is commanded, but the highest (under God); [5] "Submitt unto the king, as unto the supreame." And that not for the danger that may ensue, but, (as the apostle saith,) [6] Not for wrath only, but also for conscience sake. Now, if the king be supreame, then is there in no kingdome any superintending power or authority that may lawfully call the king to account; for that power only is the supreame, over which there is not any other to take account: so high and sacred is the authority of them whom God has made, [7] nursing fathers and nursing mothers to his church.

When kings then, both in their persons and functions, are of so sacred an ordination, and so hedged in by Gods especiall protection, where is there place for the people to interpose and meddle with the affaires that doe not belong to them? Besides, when without the kings consent there can be no concurrence of the people to joyne in any accord for the disposing of any affaires of the kingdome, but that the matter must first passe the project, sollicitation, and prosecution of diverse private men, no way thereunto authorized; how can any act of the people to such an end be justifiable, when an unlawfull beginning, (what number or quality soever the attempters be of,) can never make a lawfull act? Therefore, omitting those places of scripture, [8] "It is not fit to say to a king, thou art wicked; [9] "Who may say to a king, what doest thou?" [10] "Feare God and the king, and meddle not with those that love innovation;" and many others, (which yet block up the way against private mens medling with matters of government); if it were to be granted that the people in any kingdome had power over all rights of the kingdome, yet unlesse that, by the ordinances of that kingdom, it be expresly declared and appointed, how, and by whom, that power shall be executed, (and, by the way, where such ordinances are, there is not a right kingdome, but a republique,) and againe, unlesse those ordinances be rightly pursued, there can be no combinement to doe any such act, but with the guilt of sedition, and treason in the sight of God: for it will lye against every particular man, betweene God and his conscience, to answer, who hath

[1] 1 Sam. 10. 25. [2] Prov. 16. 10. [3] Prov. 8. 15. [4] Psal. 81. [5] 1 Pet. 2. 13.
[6] Rom. 13. 5. [7] Es. 49. 22. [8] Job 34. 18. [9] Eccl. 8. 4. [10] Prov. 24. 21.

called thee to this? who hath separated thee? who hath made thee a judge or an executor of these matters? And though it be pretended (and perhaps intended too) that the worke so to be done shall make for the glory of God, and the good of his church; yet that will but little helpe the matter; for, for men to doe God a good office against his declared will, is to be Gods good maisters, not his good servants. He does expresly command, that [1] "Every soule shall be subject to the higher powers;" and declares plainly, that the powers that are, are ordained of God, and that they that resist the power, resist the ordinance of God, and receive to themselves damnation; and our Saviour himselfe forbids us, that we doe not evill, that good may come thereon. The scripture tells us the reason; for God [2] hath no need of a wicked man, and he is best glorified when his voyce is obeyed. We have also the examples of scripture to the same purpose. It did not only turne to sinne to Saul, that he, to satisfy the people in their devotion, spared the best of the Amalekites spoile to offer in sacrifice unto the Lord, when God had commanded that all should be destroyed, but it became a finall sinne, even unto his rejection. And Uzza was strucke with suddaine death, for nothing but putting [3] his hand to the arke of Gods covenant, (which no man but the sonnes of Aaron might doe;) yet Uzza did not doe it but with a good and pious mind, to save the arke of Gods covenant from falling. Therefore it is not enough for men to be assured that the worke which they doe, in their consciences tends to a good and a religious effect, but they must every man have a sufficient warrant for his conscience, and for his calling to the worke; that is, either the expresse word of God, or else such manifest inference and deduction from it, as, by the concurrent judgement of the church, universally in all ages, is agreed for truth; not such judgment as some particular ministers take upon them to make; for the [4] spirits of the prophets are subject to the prophets; that is, the spirits of the particular to the spirit of the universall: for God is not the author of confusion, which else would necessarily follow. Men therefore must looke to the ground and first beginning of their actions; for if the root be evill, so will the branches be, though it promises never so good fruit, and be countenanced by all the people of a kingdome.

If further we looke into scripture, the story of Moses is not without some doctrine to this point. Moses having an ardent zeale to the reliefe of his brethren, the people of God, and finding himselfe above others inabled to be the instrument of their deliverance, both by his extraordinary abilities, and also through the great power he had with [5] Pharaoh's daughter, perswades himselfe, and, (as appeares by St Stephens relation,) would have the people understand, that he was even then called to be their deliverer. Hereupon he makes his addresse to the people, and, by the slaughter of one of their oppressors, takes say of their affection toward an attempt of liberty, as if there needed no more in the case, but that the people should resolve, and joyne with him to breake from the subjection of the king they lived under, who was an enemy to Gods church. In this now, (though we make no question but that Moses had a zeale acceptable to God,) yet may we see, by that which followeth, that he had not yet a particular calling thereunto, neither was the way wherein he thought to have executed his zeale agreeable to the will of God; therefore the people themselves, (whom Moses only sought unto,) they reject him; his attempt is frustrate; and himselfe is driven to repent it with forty [6] years exile in the wildernesse. After that long space of expiating the errour of his selfe-led zeale, God calls him then indeed to the worke to which he cam of himselfe before: [7] "Come now, (saith God,) and I will send thee:" and God sends him then indeed; but sends him not to the people, (that we may know he sent him not before,) but (though he could have made the people able to make their owne way by the sword,

[1] Rom. 13. 1, 2. [2] 1 Sam. 15. 22. [3] 2 Sam. 6. 6. 1 Chr. 13. 10. [4] 1 Cor. 14. 32, 33.
[5] Acts, 7. 25. Exod. 2. 12. [6] Acts, 7. 30. [7] Exod. 3. 10.

and could by his command have made it lawfull so to have done,) yet (to teach us the observance of justice and duty in our proceedings,) he sends him to the king, of him to demand the dismission of his people, that so the peoples obedience to his messengers, and to the word delivered in his name, might be without any reluctance of conscience, in regard of their allegiance to the king. When Moses did this way set upon the worke, all went the right way, and the unspeakable obstinacy of King Pharaoh, being aggravated by the fairnes of proceedings toward him, did, to his condemnation before men and angells, and to the magnifying of Gods justice, redound the more unto his praise and glory.

It is not inconsiderable that God, by a starre, declared our Saviour, in his birth, to be the born king of the Jewes, and in that stile brought the wise men to worship him: and likewise, that when our Saviour (to fulfill the prophesyes concerning him,) did solemnly present himselfe to Jerusalem, he suffered his disciples publiquely to congratulate his comming by the name of king, and told those that were offended at it, that their gratulation was so necessary, as that, if they should omit it, the stones, in their default, would have performed it also: that he himselfe before Pilate maintained that he was a king, and, at his death, had his crosse (notwithstanding the Jewes opposed,) adorned with the title, King of the Jewes; but when the people would have made him king, he refused their officiousnes, and would by no meanes accept of that dignity from them: he would rather be without his right, then receive it either in a wrong way, or from a wrong hand: no, he would not at any of their instances so much as acknowledge himselfe to be authorized for a judge or divider amongst them: so little did he acknowledge any power in them to conferr crownes, or to have superintendence over them. But it is true, that when God had determined to make a division of the kingdome of his people, the first king of the ten tribes was of the peoples making, and was made in the way of reformation;[1] but that you may know it was only permitted by God, that so he might give that stiff-necked people of the fruit of their owne hands, and make them an example unto others, he designed Jeroboam king, with neither annointing, nor blessing, nor other ceremony then a rent: the prophet rent the new coate into twelve pieces, and when he had done, he gave him none of them, but (as if he would shew he should be a king in fact, not in right, in some way in which God would own nothing but the permission only,) he bad him (as one would say,) be his owne carver, and "take ten pieces to himselfe." What the progresse of the story was we all know: when the people had made a king of their own, then they and their king must have a religion of their own, fitted to their new framed kingdome; and to effect that, the old priests of God must be sent away, as absolute impediments to the setling of their new government; and when that was done, then were they absolute indeed, and had as much authority over their God, as they before had taken liberty against their king: so it followed, that when the people had made an usurper king, their king and they made a calfe their God; and the summe of the peoples reforming their kings misgovernance, and relieving their own grievances, was, they made themselves a king that made them all castawaies; he himselfe the reproach of soveraignty, and an infamous stigmatique to all posterity, and his sinnes for ever adhering to the people, till they had caused their utter extirpation, and till, of free-borne subjects, under a king of their own, they became perpetuall slaves to the subjects of another kingdome. So unpleasing to God, and so pernitious to the people themselves, are the fruits of those reformations which only or principally are managed by the popular inclination, in which, though, for the most part, a desire of doing justice, or preserving true religion, be pretended, yet private discontent in some, and ambition in others, is commonly the chief and radicall incitement of the work.

[1] 1 King. xii. 4.

The means that belongs to private men to use, for reforming of kingdoms, is that which the apostle shewes :[1] "Let prayers (saith he) and supplications be made for kings, and all that are in authority, that we may lead a godly life." The people must not with impatience and puffed up mindes invade Gods peculiar right of calling kings to account, but every man, betaking himselfe to the reformation of himselfe, and to prayers unto God, must seek of him ([2] "that has the hearts of kings in his hand") to dispose the kings heart to the desired reformation. Many think this way long and tedious, and like better that the people should offer themselves willingly, and help God in some readier way. But, truly, if such private reformation and prayer be the right means of publique good, and be too long neglected, that is the peoples own fault; and they may not by their fault gaine a power which before they had not. Yet true it is, that in great misgovernances, God often uses the peoples hand to doe his work of justice; but that we may know the way is not right, as not agreeable to his revealed will, we shall find that the work of justice that he so beginneth by them, he endeth not till he hath finished it on them; and his hand is never more heavy then against that rodd, that, in the way of injustice, hath done his justice service. But will you heare God himselfe taking cognisance of the misgovernance of princes, and determining of it?

In the 81. Psalme, God declares himselfe to "stand in the congregation of princes, and to be judge among gods," (so calleth he kings there). Then he expostulateth the matter with wicked princes: "How long will ye give wrong judgement, and accept the persons of the wicked?" Then he complaineth, "They will not be instructed, but walk on in darknesse: the foundations of the earth are out of square." The misgovernance is great, and the consequence of it desperate; but does God in that case give the people power to reforme? No, clean contrary: God, without any revocation, still affirmes, [3] "I have said, ye are gods, and ye are all children of the Most High," persons sacred, not to be approached by the prophane hands of the people: but to awe and restraine princes, he tells them, that though he has made them gods, yet "they shall dye like men," when they must make account to him of their misgoverning: so that God reserves the judgement of them to himselfe, and no whit authorises the people to have any thing to doe with their misdoeings.

This is not to flatter princes, to say God has appointed men no meanes to relieve themselves against their misgovernment, but only praiers, to be made either to them, or from them; and that men have not otherwise to meddle with the rights of liberty, and duties of princes, then only by way of supplication. Nor is this a security for princes; for though, in a lawfull and ordinate way, there be no other means, yet no examples are more familiar, then those in which the sinne, the injustice, and violence of wicked princes are, in this world, punished by the sinne, injustice, and violence of wicked people, sometimes their own, sometime others subjects. Gods extraordinary and supream justice is tied to none of those regulations with which he has circumscribed his ordinary justice committed to the administration of man; but (as we said before) we may still observe Gods indignation not more fatally incensed against any, then against those whose wickednesse has put them forward to be the instruments of his extraordinary justice upon others.

But to pursue the examination of the right that people may have in questioning and reforming the rule of kings. Let us farther examine what we find in Scripture. David, sinning by numbering the people, was enforced to his choice of one of three plagues,—famine, sword, or pestilence; *et Deus malum avertat*, that is but a dolefull instance for the people. The king sinnes, and God laies all the punishment upon the people; nay, he gives not them so much as the choice of the punishment which they

[1] 1 Tim. ii. 1. [2] Prov. xxi. 1. [3] Verse 6.

must suffer for the king, but the sinning king must choose which of the three plagues the innocent people must undergoe: this is strange. Did not the great Judge of heaven and earth do right? Yes, undoubtedly; and the matter was,---the [1] wickednesse of the people had grievously provoked God, so as the king must be let goe, and suffered to fall into sinne, that way may be made for the peoples punishment. This seems no lesse strange on the other side; that because the people sinne, therefore the prince should be let fall; that for the transgressions of the land, the prince (as we have it in another place) should be punished with division and diminution, and "many should be the princes of the land:" nay, that, for the sinne of the people, the prince should be cast away; as in that place, [2] "If ye doe wickedly ye shall perish, you and your king." All this were strange indeed, should we consider prince and people as persons strangers in interest to one another; but therefore these places shew the strict union, and indivisible mutuality of interest, that they have in the doings and sufferings each of other, beyond any thing that can be created by the meer constitution or agreement of men.

This case of David's further teaches, that if, when the sinnes of the people be grown high, it be any way necessary that the king be let fall into sinne before the people be punished, then are kings immediately between God and the people, and stand there like Moses in the gap, to with-hold the hand of God from the people, until that they also, by falling some way, be removed. Again, if the kings transgression in government has the originall from the sinnes of the people, then are the people the prime offenders and first agents in the kings transgression, and he himselfe is, as it were, accessary, and in a manner passive in it. We see that God himselfe here judged so, and laid the reall punishment upon the people, whom he accounted the originall sinners: as for the king, (to whom the sinne is verbally ascribed,) we see God reckons as if he were only passive in committing it, and therefore inflicts no punishment on him, but what he voluntarily took upon him, an humbling of himself, and a compassionate fellow-feeling of punishment, such as a good common father has alwaies by the sense of his peoples suffering.

It now followes plainly, that the people that have their hands in sinne are no competent justiciars for hearing, judging, and reforming of any misdemeanours, especially of those in which they themselves (having the principal hand) are the principalls; and lesse, where the person questioned is but an accessary drawn in by them; and least of all, where he is a person sacred, and one so much superiour, as, by Gods ordinance, to stand immediatly betwixt God and them. Sure, he that would not suffer one with a beam in his eye to pull a moat out of the eye of his brother, does not permit him to doe it toward one so much superiour as his prince, nor suffer guilty subjects to arraigne their soveraigne, guilty servants their lord, nor guilty sonnes their common father.

To conclude, we may consider the unlawfulnesse of popular animadversion into the manners and government of princes, (especially of princes that are lawfull Christian monarchs,) even in this alone; that there are no received nor known bounds of limitation, how farre people may walk in the way of questioning and reforming the errours of princes, but that if any thing at all be lawfull for them to do therein, then may they without restraint proceed so farre as to depose princes, and deprive them of their lives, if, (according to the doctrine of the jesuite,) they finde it for the good and reformation of the church and common-wealth, which, how well it is warranted by the word of God, we may see plainly enough in the case between Saul and David.

Saul was king, but, misgoverning himself and the kingdom, became as bad as excommunicate and deposed; for [3] he was rejected of God, and David was, by Gods ex-

[1] 2 Sam. xxiv. 1. [2] 1 Sam. xii. 25. [3] 1 Sam. xv. 23. and xvi. 13.

presse command, annoynted to be king; all which notwithstanding, neither David nor the people ever sought to depose him, to renounce obedience unto him, to combine against him, question his government, or so much as meddle with ordering any of the affaires that belonged to the king; nay, Saul, after this, persecuted David unjustly, and, in the midst of his unjust and hostile persecution, was delivered into Davids hand; and it was of necessity that David should take the advantage and kill him, for he could not otherwise have any assurance of his owne life: David did then but even cut the skirt of Sauls garment, to the end it might witnesse his faithful loyalty, because it made it manifest he could as easily have cut the thread of his life; and even for this, his heart so smote him, as that he cries out,[1] "The Lord forbid that I should doe this thing to my master, the Lords annointed, to stretch forth my hand against him." That was not all neither, but there were more circumstances in the case: Saul was not yet reformed, and going on still, was another time delivered into Davids hands, and the people both times understood it the speciall delivery of his enemy into his hands by God, and would have embraced the opportunity, and have made him away: David restraines them still with the same bridle; "The Lord forbid," &c., and tells them,[2] "Who can lay his hands on the Lords annointed, and be guiltless?" No, David, (though already annointed,) would tarry Gods time: "the Lord should smite Saul, or his day should come, or he should descend into battaile and perish," but Davids hand should not be against him. No, whatsoever Saul was, or whatsoever he had done, neither his falling from God, nor Gods declaring him rejected, nor Davids annointing by Gods command, nor Sauls unjust persecution of David, the Lords annointed, in future could dissolve the duty of his subjects, nor make it lawfull for them to lay their hands on him, no, not when he was in wicked hostility against them. But Saul, in Davids account, was still the Lords annointed, still a sacred person, still Davids maister, notwithstanding the circumstances which might seeme to have discharged the tyes of duty which David and the people did formerly owe unto him.

Neither is the annointing of kings a thing sacred as to their own subjects only; but the regard thereof is required at the hands of strangers also, because of the prophanation and sacriledge that, in the violation of their persons, is committed even against God. Wherefore, we see that though the Amelekite were a stranger, and made a faire pretence that he had done Saul a good office, when, at his own request, he dispatched him of the paine of his wounds, and of the pangs of his approaching death; yet David (taking his fact according to his own confession) makes a slight account of the causes which he pretended, as a frivolous extenuation of an haynous fact, and condemnes him, though a stranger, as an hainous delinquent against the majesty of God. "How wert thou not afraid (saith he) to stretch forth thy hand to destroy the Lords annointed?" Neither his being a stranger, nor any of the other circumstances were so availeable, but that his bloud fell deservedly upon his own head. The act is in it selfe perfectly wicked, and in the degree hainous; altogether against the word of God: and therefore all actions of subjects, that, in the progresse of them, tend, or by the way threaten to arrive at that upshot, are all unlawfull, fowle, and wicked; and not only the actors themselves wicked, but their assistants, favourers, those that wish them well, or, (as St John speakes,) "That bid them Gods speed, are partakers of their evill deeds."

But errour in this point has made such impressions in the mindes of many, as that they will never be perswaded but that they may disobey and resist authority, if ever they finde it faulty, or the commands thereof not agreeing with their consciences. They will grant, that they may not disobey authority in the lawfull commands thereof, neither do evill that good may come thereon; but then, they themselves will be the

[1] 1 Sam. xxiv. 5. [2] 1 Sam. xxvi. 9.

judges what commaunds are lawfull, and what not; what things good, and what evill; and so they make obedience arbitrary, and government (by pretending conscience) at the discretion of the subject: yea, though the things whereat they take check be of their owne nature indifferent or doubtfull, (and therefore not matters of faith,) yet will not they submit themselves, nor their opinions, unto any, no, not to the judgement of the church they live in, no, not to the judgement of the church catholique, nor to the authority of it, even in the purest times thereof; but they, from the authority of their own opinions, or from the authority of such teachers as they themselves have chosen to themselves to be their guides, they will both censure, condemne, disobey, and revile the ordinances of their church, and the governours thereof; so secure in opposing imaginary, or at least unproved superstition, as they will not see how incompatible self-will, presumption, disobedience, arrogance, and railing, are with true religion, nor that the false teachers, and their disciples, (which our Saviour and his apostles foretold should be in the last and perilous times, and which St Peter calleth "cursed children,") are not only described by this, that they[1] "have a forme of godlinesse, but deny the power thereof:" that[2] "they are in sheeps clothing, but are inwardly wolves:" that the fruit they beare is not answerable to the tree they seem to be: that their way of working is after the way of private insinuation,[3] "creeping into houses, and leading silly women captive; having itching eares;" and, after their own liking,[4] "heaping to themselves teachers:" that they be[5] "they that separate themselves;" and the like; but they are especially described to be[6] "traiterous, heady, high-minded," to be such as despise government, as are "presumptuous, self-willed, and not afraid to speak evill of dignities:" and again, that they[7] "despise dominion, and speak evill of dignities;" and that they "perish in the gainsaying of Corah." Now we know that the sinne of Corah was, that he, (being a Levite, and countenanced by an hundred and fifty princes of the assembly,[8] famous in the congregation, and at least fourteen thousand seven hundred of the people,) upon his own private opinion, (to which also his followers adhered,) that both he and all the congregation were holy, and might offer incense before the Lord, as well as Aaron, charged Moses and Aaron that they tooke too much upon them, and that they exalted themselves above "the congregation of the Lord," and therefore they, holding themselves in a parity of authority with them, would not appeare on their summons, nor be obedient unto them. Yet, (as if these passages of Scripture nothing concerned our times,) we are nothing shie of those things whereof they do admonish us.

There be some that justifie that private men may resist authority when it would doe that which is hurtfull to the church of God; yea, that it is then their duty to resist it; that such resistance is no disobedience, no rebellion, no sinne at all. These swallow that which may not be granted, viz. that they are competent judges of the churches hurt; and besides, they make the rule that our Saviour gave us for discovering teachers of false doctrine to be nothing worth. Our Saviour tells us, we shall know them by their fruits, as granting fruit to be a thing apparant, knowne of all and unchangeable: but these men make the fruit to alter according to the diversity of the tree that bears it, though otherwise it have the same shape, taste, and vertue. For example, disobedience, resistance of authority, sedition, and rebellion, are, by the law of God, and by the law of nature, agreed, both by Christians and heathens, to be evill fruits: but these men (and jesuites) tell us, that resisting authority, and raising force against it, thereby to worke the good and safety of the church of God, though done by subjects, is no resistance, no rebellion, no sinne. The fruit has lost his own nature, which in itselfe was nought, and takes a new nature of goodnes, because it was

[1] 2 Tim. iii. 5. [2] Matth. vii. 16. [3] 2 Tim. iii. 6, iv. 3. [4] Jude, 19.
[5] 2 Tim. iii. 3. [6] 2 Pet. ii. 10. [7] Jude, 8. and 11. [8] Numb. xvi.
[9] Matth. vii. 16.

brought forth by the good tree of piety toward the church of God. So our Saviours precept is mad of no effect, and we must learne of the jesuite to un-know a knowne thing, and know it for some other thing than ever we knew before, and that by a new way too, viz. by that which is not to be known of itselfe;—we must know the fruit by the tree.

We deny not but that authority may commaund things that by no meanes at all ought to be done, and that then we must not doe them; but those things are such as are manifestly contrary to the expresse word of God, and principles of religion: and even in them we are only simply to refuse the doing of the evill commaunded, without any actuall resistance otherwise; and so doing, our not obeying is not to be counted disobedience; because it being necessary obedience to the expresse word of God, the primitive soveraign of all authority, it can never be disobedience as to the derivative. But where authority commaunds nothing against the expresse word of God, and principles of religion, (as in things disputable it doth not,) there, except the governours, that are the derivative, be obeyed, God, the primitive, is disobeyed: for he strictly commaunds obedience to his vice-gerents, even in every ordinance of man.

But we are also to take heed we play not the hypocrites with God, when, thinking to doe a good office to the church or state, we resist authority, that presses us with that, which (as we suppose) threatens depravation of true religion, or due liberty. For what know we but that, by[1] wrongfull suffering, (whereto all are called,) God calls us to a tryall of our faith, patience, and obedience in that way, which if we doe not shew, by keeping close to his command, not turning on the left hand, to doe any evill, though commanded, nor on the right hand, to resist authority with violence, although it hath commanded evill, we then refuse Gods tryall, and, with an unseasonable zeale for religion, and for our worldly rights, we, contrary to Gods commaund, resist his lawfull vice-gerents; and the excuse we have for it is little better then, like the Pharisees, to say Corban, God shall have profit by it, in the good that we shall doe his church thereby; and make the precept of God of no effect, and antevert the glory that God seemed to seek in our tryall: and having so justified our resistance, we must then call it pious, and an act of duty, and such as God requires, and so make God the author of our sinne, and lodge it where we can never repent us of it.

There may undoubtedly be such pressures laid upon subjects, as that humanity cannot but commiserate, and perhaps in some part excuse their impatience and resisting of them. But the pittifulness of the case cannot make the resistance lawful; though we remit much to the doers, we must yet condemne the fact; and though their sufferings wash away much of the soile that would make both the deed and the doers more odious, yet must they be content to confesse the deed to be evill. But to justifie it were to commit the accursed sinne of calling good evill, and evill good; yea, the sacriligious sinne of making God weake and wicked, who, for the necessary support of his church, should stand in need, and require not only the helpe of sinfull men, but even of their sinnes also. Private men, in things not plainly forbidden, cannot say they resist not authority, but sinne; not the lawfull power, but the licentiousness of them which abuse it: for they have no authority to distinguish. And if they offer to pull the mote out of the governours eye, they will put a beame into their owne. For though we be every one tyed to resist sinne in ourselves, that we commit it not; yet are we not every one tyed to resist it in others, that they commit it not; and we must leave every thing to be rectified by those only to whom it properly belongs; and where there is no ordinate meanes of reforming, there God has reserved that particular case unto himselfe; and we must not justle him out of his tribunall.

We might in this place remember also what infinite doubts and questions (perpe-

[1] 1 Pet. ii. 21.

tually ensnaring and wounding the consciences of private men, and with continuall disturbance and divisions threatning the ruine of the state,) doe follow the admitting of this one opinion; that when other remedies faile, subjects, in case of necessity, may leavy armes, and defend their lawes, liberties, and religion, against the oppressors of them. For what shall be sufficient necessity? and who shall be judge of it? what way, and how farr may subjects so proceed? who shall commaund? &c. But it is impossible to set forth all the branchings and consequents of errours, or the confusions that follows upon them. We might also remember what dangerous straines and snares these opinions are to those that have taken expresse oaths of obedience and allegiance; but we hope that this shall be hint enough to stirr men up to take heed how they entertain such opinions; and if already they have been led away with them, they make a more advised examination of the matter, and, like good Christians, be content (whatsoever censure fall upon their actions past, or whatsoever diminution upon their present esteeme,) they will yet submit, that Gods truth may not be corrupted, nor his holinesse blasphemed, but that, as the Psalmist saies, [1] he may be justified in his sayings, and be cleere when he is judged; yea, that God may be found true, and every man a lyar.

We do not all this while contend that princes are without law; we have, in the entrance of our discourse, shown the contrary; and we doubt not but that the rights and maners of kingdoms are religiously to be observed, as well of the prince as of the people; that the establishment of a kingdom depends upon the observance of the rights thereof, as well by the one as by the other; and that the rights and manner of every kingdom is as sacred as the kingdom itselfe. When God layd a curse upon those that removed the bounds between private man and private man, he left not the bounds of publique right (in which all private right is included) open to secure violation; but what was wicked in the one case he accounted hainous in the other, as carrying with it not only the transitory fortunes, but even the lives and soules of the people. And for this cause, when God finds in princes the sinne of those that remove the bounds, he threatens that he will [2] powre out his wrath on them like water. It will not be unworthy our labour a little to enquire into the reason.

Tyranny (as we have touched) began first in the Eastern parts, and thence dispersed itselfe through the world; and being from the beginning grievous and incomportable, in time it discovered itselfe to be but weak: withall, it was supposed, that the greivousnesse of it consisted in the monarchall forme; for remedy of which they instituted, in some places aristocraticall, in some places popular government; but, in the use of them, they all also were discerned to be but other faces of the same tyranny; and men found plainly, that the absolute government of either people or nobles was as well obnoxious unto tyranny as the sole government of the prince; and taht, in which of the three soever the government absolutely resided, the government was both tyrannicall and infirme; and that, in every of them, the comportablenesse and stability depended only on the well regulating of the soveraigne power, by a reasonable interposition of some power committed into the hands of the two other potent limbs. So it became an experimented principle among statists, that the composite forme (wherein every of the three potent limbs, for the surer support of the instituted state, had such apportioned influence and power as was proper for the frame of government,) was the only firme and durable forme; and that of the three powers, regall, aristocraticall, or popular, any of them prevailing so far as to be wholly free from being qualified or tempered by some operation of the other two, corrupted the legitimate form into a tyranicall, and made a prognostick of the states declining into ruine. This principle of state is not impeached by any instance of long continuance of the old As-

[1] Psal. li. [2] Hosea v. 10.

syrian or present Turkish empire; because the Assyrian had a peculiar advantage of continuance, by the simplicity and unactivenesse of the age it was in: and the Turks, to worke their security and continuance, have wholly put out the light of knowledge from among their people, and have subdued them to a false religion, that has in itselfe no other end, nor office, then only to keep men in subjection; so that they having deprived themselves of the principall of all conditions of humanity, and made themselves (in a manner) an empire of beasts, the successe of their affaires determines nothing of the event of theirs that ayme to live as men, much lesse of theirs who are to live the lives of supernaturall men, that is to say, of Christians.

Absolute power, then, when it hath neither bounds nor limitation, (like the naturall heat, too much enforced, which soon devours the radicall moisture that maintaines it,) tends not to prosperity, but to the distruction of itselfe: for all things being created in number, weight, and measure, the destruction of their proportions must needs be the decay of their being.[1] "Where there is no inclosure, (saith the wise man,) there the possession goes to decay." For though one, by decaying his fence, gives himselfe liberty to prey upon his neighbours, (which seems some advantage,) yet he thereby layes himselfe open to be a prey also unto them; and when after he would close it again, he will find it hard to shut unruly beasts out from the haunt they have once gotten. Now, for preservation of the bounds and fences of a kingdom, it is necessary not only to have just and equitable lawes, but it must have also an institution of good and sound orders for the making and executing of those lawes; which orders must be sacredly observed: for as evill words corrupt good manners, so evill manners frustrate the effect of all good lawes; and good manners (especially those that belong to government) are not preserved without strict adherence to the instituted orders of the kingdom. Neither will these orders long continue valid, and of use, unlesse the protection and care of them be committed into the hands of some conservatory power, more especially interested in the continuance of them; who, though not absolutely, nor with any single power of immediate coertion, yet by their powerfull intercession in the councells and convocate assemblies of the state, may be effectually operative to the preservation of the publike right; for which cause the use of these assemblies are by no meanes long to be neglected.

When, then, the continuance and prosperity of every state stands upon no surer ground then the observance of the rights and orders of the kingdom; upon no better stand the lives and fortunes of the subject, of the prince, and royall race; yea, and of the inheritance and church of God himselfe. And it is then no marvaile that God should threaten to[2] "powre out his wrath like water on princes" that are like to those that remove the bounds. It is no marvaile that to the kings of Judah, (to whom God, (no question,) with a promise of perpetuity, gave the most absolute dominion that has beene communicable to the princes of his church,) he should command,[3]—"execute yee judgement and righteousnes, &c.; for then shall kings, sitting on the throne of David, enter in by these gates," &c.: but otherwise, "I will prepare distroyers against thee." It is the important consequence that makes God not give the charge without threatning. Though God declares princes to be gods among men, yet, between him and them, God (as David confesses) has made the observance of the rule of justice and religion to be the condition of their reigning.[4] "Bear rule (saith God to David) over men; being just, and ruleing in the feare of God." Indeed, when princes derive their authority from Christ, and justly challenge the prerogative of his vice-gerents, it well behoves them to looke that the derivatives faile not of the condition of their primitive.[5] "The scepter of Christs kingdome is" declared to be "a right scepter," and

[1] Eccles. xxxvi. 25. [2] Hosea, v. 10. [3] Jer. xxii. 3. 7. [4] 2 Sam. xxiii. 3.
[5] Psal. xlv. 7.

therefore "his seat to endure for ever." If his vice-gerents would have their seates durable, they also must have care their scepters be right scepters; they must see that the auncient-ly-established formes and orders of their kingdomes be not violated or neglected, but from time to time renewed and kept; they must not, to be absolute, breake the rights and orders of the kingdome, and thinke to be good and just princes in their arbitrary rule: it were a reproachfull incongruity, and nothing suitable to the vice-gerents of Christ, to be good and faire governours of that which they have made a tyrannicall government. The governours and government must have one face and way; their rule cannot otherwise escape infamy, nor their providence cut off occasion from after times of invading the rights, and consequently the continuance of their kingdomes.

The lawes then, the rights and orders of kingdomes, are most sacred and binding, even to kings themselves; but that is to be understood, in safety, in honour, in conscience betweene God and them; not in any way wherein, in their default, the peo-ple can become authorised: for if we looke to what is written, we find that when the subjects doe amisse, they ought to feare; for the ruler is [e] "Gods minister to take vengeance, and beareth not the sword in vaine." But we read of no authority committed to the people, in case the prince failes of his duty; nor of any sword that is to be borne by them: if, therefore, they take the sword, or any course that leads unto it, they take the sword of injustice, to the wounding of their own soules. But while we name the people in these things, we doe not make all subjects, living under the obedience of sovereignes, naturally to have this pretence, that they may doe themselves right, in case their prince doe not. For [f] as we see them of their owne naturall inclination to desire a king, so we know they naturally submit unto his government: and prince and people, of themselves, stand naturally well affected one to the other. But as there are those that are sinisterly officious to the one, so are there toward the other also. And as those often counsell the prince, as if they would have him pull out the stones from out the foundation of his throne, to build higher the roofe, and enlarge the battlements thereof; so these often perswade the people that they have the autho-rity of princes. though they have neither throne, scepter, nor any thing belonging to the soveraigne right: and then the people, naturally jealous, and impatient of the vio-lation of their supposed right or liberty, are facile to entertaine suggestions, and, through want of judgment, easily carryed away with them; but wanting also moderation, they so violently adhere unto them, as that, with their intemperate prosecution, they often, by their owne instruments, bring upon themselves the evills that they most doe feare from others.

So the people of Rome, having expelled their kings, and setled a republique, with such hatred to the memory of them, as that they would not endure the name of king, growing afterward ill satisfied with the proceedings of their senate, they would not only have tribunes, (guardians of their liberty and rights,) which was indeed no more then necessary, but they would have their tribunes indued with consular authority; then with that of the dictator; of the pontifex max; and whatsoever other power the common-wealth afforded. In the end, they made them so unresistable, to vindicate their liberty against the nobles and the senate, as that, in the upshot, when they were become secure against their adverse party, they had no meanes of interposition against the absolutenes of their own guardians; insomuch as that Cæsar, obtaining to be head of their faction, could not be hindered, but that, even under the formes which they ordained to preserve their liberty, he introduced a tyranny more absolute, and worse conditioned, then was that of their kings, which they expelled.

[e] Rom. xiii. 4. [f] 1 Sam. viii. 5.

Hitherto tends the doctrines of those, who, while they pretend to instruct for the common good, liberty, and right, doe, as it were, appeale unto the people, and support their doctrines with the peoples approbation and applause, and do so, in shew, make the people, and indeed themselves, the soveraigne judges of all things.

A Judicious Speech, made by the Right Honourable the Lord Kimbolton, in Parliament, January 3, 1641, *concerning the Articles of High Treason exhibited against his Lordship, Sir Arthur Haslerig, M. Pym, M. Stroud, M. Hollis, and M. Hampden, by his Majesty.*

At that very period when the popular party in the house of commons were proceeding to measures of great rigour against all their opponents, and when reason and opportunity alike counselled the king to remain passive until the torrent should have spent its fury, Lord Digby, whose keen and voluble spirit rendered him the worst counsellor in such a crisis, advised the rash and precipitate measure of impeaching the leaders of the house of commons, in the very plenitude of their power. Accordingly, Herbert, the king's attorney, on the 3d January, 1641, presented the following "articles of high treason, and other misdemeanours, against the Lord Kimbolton, Mr Pym, John Hambden, Denzil Hollis, Sir Arthur Haslerigg, and William Strode, members of the house of commons.

1. That they have traitorously endeavoured to subvert the fundamental laws and government of this kingdom, and deprive the king of his regal power, and to place on his subjects an arbitrary and tyrannical power.
2. That they have endeavoured, by many foul aspersions upon his majesty and his government, to alienate the affections of his people, and to make his majesty odious to them.
3. That they have endeavoured to draw his majesty's late army to disobedience to his majesty's command, and to side with them in their traitorous design.
4. That they have traitorously invited and encouraged a foreign power to invade his majesty's kingdom of England.
5. That they have traitorously endeavoured to subvert the very rights and beings of parliament.
6. That, for the completing of their traitorous designs, they have endeavoured, as far as in them lay, by force and terror, to compel the parliament to join with them in their traitorous designs, and, to that end, have actually raised and countenanced tumults against the king and parliament.
7. That they have traitorously conspired to levy, and actually have levied war against the king.

Then Mr Attorney said, that he was further charged to desire, on his majesty's behalf,

1. That a select committee, under the command of secrecy, may be appointed to take the examination of such witnesses as the king will produce in this business, as formerly hath been done in cases of like nature, according to the justice of this house.
2. Liberty to add and alter, if there should be cause.
3. That their lordships would take care for the securing of the persons, as in justice there should be cause."—Rushworth, IV. p. 474.

To this unseasonable and most injudicious attack, which seemed only calculated to give a lustre to the character and power of those against whom it was directed, the members made their several defences. Their security is so evident, that they treat with scorn the charges brought against them, disdaining to attach to them deeper consequences than those of a flimsy contrivance to seclude them from giving their votes upon the trial of the bishops.

Declaring
1. The cause of their accusation.
2. The authors that procured it.
3. The effects likely to follow upon the same.

M. Speaker,

There hath already beene so much spoken by the other gentlemen, concerning this accusation of high treason, even sufficient, as I conceive, to cleare us all that are impeached, that I know not what to say more touching the same; onely, under favour, give me leave to speake what I conceive of the cause of the procuring of this accusation, the authors that procured it, and of the effects which I perceive will follow upon the same

M Speaker, it is not long since this honourable house accused of high treason the twelve bishops, for their illegall and trayterous attempt, in their petition and protestation against the king and parliament. These gentlemen, with my selfe and others, having the prosecution of that businesse, and other charges of great crimes against them, committed to our trust, did unanimously, with one consent, follow the same, bringing to a period our debates and disputes concerning their crimes, what we conceived they were guilty of upon their severall charges, and what guilty of for framing and preferring their petition and protestation to his majesty; that they were guilty of misprision of treason upon their former accusations, and guilty of high treason upon this their last designe: and these our votes and conclusions, (grounded and warranted, not only by the common lawes of his land, but by divers acts of parliament and presidents,) we presented to the whole house, for consideration, and confirmation of the same by generall vote; with whom we againe agreed by our publique votes; and thereupon they were impeached and committed: this, I conceive, provoked their malice against us, and was the principall cause of this their plot in drawing an accusation against us for the same crime of treason, thereby to make us seeme as vile as themselves, and to take away our votes at their triall. And thus I have joynd together both the cause and authors of this accusation.

The effects, I conceive, will be dangerous, and cause great trouble in these respects.

1. In turning the current of the parliaments proceedings against them upon us, by which devise they shall have further time to put in practice their plots, and bring to perfection their purposes against the parliament.

2. That being busily imployed concerning this businesse, in their disputes about breach of priviledge of parliament, in illegall accusing the members thereof, in drawing a declaration to his majestie concerning the same, in appeasing him, by shewing the sincerity and integrity of the parliament toward his majestie, and other things pertinent thereunto, this high court may lay aside their proceeding, and avert their purposes touching the Irish affaires, whereby the rebellion there may increase, and forraigne aide brought to them, to the utter losing of that kingdome.

3. Many feares and troubles will arise in the citizens concerning this accusation, of desperate and devillish stratagems in agitation, as wel against them as the parliament, by disconsolate and disaffected persons, to the safety and security thereof, causing their continuall watching and guarding, by their trained bands, which will bee to them a great charge and molestation.

4. It will incourage ill affected and pernitious cavaliers, and commanders about court, to attempt any mischiefe against both houses of parliament, or particular members thereof, upon the least opportunity that shall be offered them, thinking thereby they shall doe the king good service, which otherwise they dare not adventure to put in practise.

5. And lastly, it will provoke and stir up a dislike of these designes in the hearts of all his majesties subjects, and disaffection to his sacred person, cause great uproares and tumults of the citizens, yea, and I feare a generall insurrection in the kingdome, if not suddainly prevented; which God forbid.

And thus, Master Speaker, having nothing more to say concerning these articles, I humbly crave of this honourable house that I may have expedition in my triall upon the same; and that all things done by this wise councell may tend to the honour and glory of Almighty God, the peace and safety of his sacred majestie and all his kingdomes.

Master Strowd his Speech in Parliament, on Tuesday the third of January, in reply to the Articles of High Treason against himselfe, the Lord Kimbolton, Master Pym, Sir Arthur Haselrigg, Master Hampden, and Master Hollis, exhibited by his Majestie, wherein he cleareth himselfe concerning the same. 1641.

Master Speaker,

It is the saying of the wise man, even of a king, Solomon, the wisest of all kings that ever raigned in this earth, that in the countenance of the king is life and death, like to the sonne, which, by the sending forth of his glorious beames upon the fruits of the earth, nourisheth and causeth the same to fructifie and grow, gives vigor and strength to all the creatures that lives in and upon the same, and by withdrawing his light, being over-shaddowed with clouds, keepes back the growing and flourishing of the creature, yea, and by continuance in that his hidden motion, procureth at last the utter withering and perishing thereof.

His gracious majesty, who is our sonne and comforter, at such time as his glorious beames of grace and favour reflect upon his good subjects, they increase and grow intire and tender affection towards his majesty, that no distempers or troubles whatsoever can separate betweene him and them. But this our sonne being over-shadowed with clouds, and mists of discontent and disfavour towards the people, causeth them to wander in obscurity and darknesse, even ready to faint, and despaire of any designe they take in hand for the safety and security of his majesty and his kingdomes, yea, and strikes them, as it were, with death and utter destruction.

Master Speaker, I perswade myselfe our gracious soveraigne, in his owne naturall disposition, is altogether bright and comfortable, and that never causeth or retracts to himselfe any discontent towards his loving subjects, but by suggestion, information, and instigation of malignant and disaffected spirits, both to the tranquillity and peace of his majesty and the whole state of this kingdome.

It is, Master Speaker, the onely pollicy of desperate and evill-minded persons, that have beene the onely troublers of our Israell, finding themselves in danger (by calling of them to an accompt for their misdeeds and misdemeanours) to be brought to punishment for the same, to cast aspertions upon those faithfull councellours of the king and state which strive to prevent their malicious and wicked designes to overthrow and destroy the same.

It cannot, sir, enter into my thoughts that ever his majesty of himselfe could have gone about to interrupt and hinder the happie proceedings of this his greate and wise counsells, whose endeavours are altogether to maintaine the honour and dignitie, the peace

and saftie of his royal majestie and his kingdomes, by removing such impediments and hinderances as have hitherto letted the same, and the establishing of true religion in this church, congruent to the doctrine of Christ and his apostles, sett downe and manifested in sacred writt, by accuseing and impeaching the members thereof of high treason, as if they whose hearts are united to their lawfull soveraigne, and by nature bound to the defence and securitie of their countrie, by covenant with God tyed to the maintenance of his true religion, should be the betrayers and destroyers of all together.

These articles, Master Speaker, exhibited against myselfe and the other gentlemen, are, I conceive, not really intended against us as if we were actually guiltie of the same, but onely to procure our absence from this honourable house, that wee may not have our free votes in the triall of the twelve bishops accused, by whom I verily believe were these articles drawne, and onely by their advice, and such as favour their cause, were exhibited; and I perswade myselfe, may we be apprehended, and taken from this house, upon the same, our tryall will be by force immediately to cutt us of, although his majestie no otherwise conceives, and is really minded we should legally be proceeded against; of such powerfullnes are those persons that were the authors of them.

Master Speaker, the articles, if actually guiltie of, are many of them, I confesse, high treason; as, to endeavour to subvert the fundamentall lawes, to introduce an arbitrary forme of governement to the state, actually to levi warr against the king, to procure forraigne aide to invade this land, and the like, is treason. I need not speake much to cleare myselfe of these crimes. I hope this honourable house will make such a favorable construction of all my actions since I have had the honour to sitt in the same, that it will be manifest to all the world that they have been far without the compasse of treason, either against my king or country.

And, Master Speaker, if it shall be conceived by this honourable assembly, as learnedly it hath already been delivered by that worthy gentleman that last spake, that, as members of a parliament, to agree with the same in all their votes for the punishment of delinquents, setling of religion, securing of their owne persons by a guard, desiring assistance of our brethren in Scotland to suppresse the rebellion in Ireland, be treason, then I thinke we are all guilty of these articles; otherwise are wee cleere and innocent of the same.

Master Speaker, I humbly desire of this honourable house that I may have a speedy tryall upon the same, that, as I shall bee found guilty by the judgement of this high court, I may know my sentence, which I shall willingly submit unto, be it to my condemnation or preservation, wishing and praying, with all my heart, that none of these evill and mallicious designes in agitation against the parliament, by any malignant persons whatsoever, may take effect, to hinder the blessed proceedings thereof, but that you may goe on, with courage and cheerfulnes, to settle all things aright, both in church and state, for the government thereof in perpetuall peace and tranquillity.

Sir Arthur Haslerigg, his Speech in Parliament, whereby hee cleareth himselfe of the Articles of High Treason exhibited against himselfe, the Lord Kimbolton, Mr John Pymm, Mr Hampden, Mr Stroud, and Mr Hollis, by his Majestie, on Tuesday, the 4th of January, 1641.

Mr Speaker,

This misfortune of mine seems to me at the first exceeding strange, not onely in respect of the crimes laid to my charge, but, most of all, having thereby incurred, not

only the disfavour but irefull displeasure of his sacred majestie. For the first, knowing the innocence and integrity of my heart, that it is free from any such crime, either in thought, word, or deed, against either my gratious soveraigne or my native country I shall the more easily beare the burthen of the charge; but to groane under the burthen of a most pious and wise prince his displeasure, wounds me sore.

Mr Speaker, I humbly desire so much favour of this honourable house, of which I have had the happines to be a member, to speake something of my innocence in all these crimes I am charged withall.

This honourable house, (Mr Speaker,) can, I hope, witnes for me the manner of my carriage and disposition in any debate or arguments wherein I have beene one. I hope nothing hath proceeded from me that can come any wayes within the compasse of treason.

In all disputes and conclusions of any matter by vote of the house, my vote hath commonly agreed with the major part; then I hope my vote in parliament being free, cannot be treason.

Mr Speaker, the articles that are exhibited against me and the other gentlemen are of most dangerous and pernitious consequence, if wee should be found guilty of them; which God defend. I would to God these persons that incensed his majestie against us (which is easily conceived who they are) were as free from thoughts, words, nay, actions, within the limits of treason, as I hope we shall prove ourselves, by Gods blessing.

Mr Speaker, it is alleadged we have indeavoured to subvert the fundamentall lawes of this land, abridge the kings power, and deny his royall prerogatives. Give me leave, I beseech you, to speake concerning this article. There is (as I conceive) not two formes of government in this kingdome; there is not two sorts of fundamentall lawes: there is but one forme of government, one sort of fundamentall lawes; that is, the common lawes of this land, and acts, statutes, and ordinances of parliament: these two, Mr Speaker, depend and hang one upon another, so that they cannot be separated; and he that subverts the one, breakes and infringes the priviledges of the other; and he that breakes the priviledges of the one, subverts the other. Now, under favour, Mr Speaker, to speake freely in parliament, (freely called and assembled by his majesties most royall authority); to vote freely in the same, upon the conclusion of any bill, to be made a law by the whole consent of parliament, assented to by his majestie; to agree in voting with the whole parliament against delinquents and malefactors in the state, to bring them to condigne punishment for the same; to give my vote in the house for removing evill councellors from his sacred majestie, to place loyall and faithfull ones in their place; to assent, with the whole state assembled together in councell, for the setling of peace and tranquillity in the same; to ordaine and enact such wholesome lawes and ordinances whereby his majesties good subjects may be governed in righteousnesse and good obedience; to vote with the house for redressing the many grievances of the common-wealth: if these be to subvert the fundamentall lawes of the land, then, Mr Speaker, am I guilty of this article,—in giving my vote against the earle of Strafford; in voting those acts already made and passed by his majestie; in voting against the bishops; in protesting to maintain the fundamentall lawes of the land, the true protestant religion, according to the true doctrine of the church of England: I say, then, Mr Speaker, in this am I guilty of high treason; but if this be not to subvert the lawes of the land, then (as I conceive) am I cleare from being guilty of this article; which I humbly leave to the consideration of this honourable house.

Under favour, Mr Speaker, I come now to the other articles of the charge: I will onely recite the substance of them, for they all harpe on one thing: To indeavour to bring in an arbitrary and tyrannicall forme of government; to invite tumults and unlawful resorts of multitudes of people to the parliament, to be a colour for our designes; to raise forces and armies in this land, to assist me in my practises; to invite forreign

princes to bring an army into the land; to indeavour, by declarations, proclamations, and otherwise, to alienate the hearts of his majesties loyall subjects from their lawfull soveraigne, therby to avert their due obedience from him, and, having an evill opinion of his sacred majesty, to side with us, and take our parts, to effect our designes.

Give me leave, I beseech you, to speak concerning these crimes. And first, Mr Speaker, to indeavour to bring in an arbitrary power and tyrannicall forme of government, in the subject, is to deny parliamentary proceedings: To oppose the lawes enacted by parliament; to incense his majestie against parliaments; to protest and petition against the proceedings thereof, is to bring in an arbitrary forme of government: But to agree with the parliament, being a member thereof, by vote to make and enact laws, I conceive this cannot be termed arbitrary, neither, I perswade myselfe, can the effects thereof be tyrannicall.

Secondly, concerning the late tumults about the house; I am innocent thereof; neither came they by my invitation or incouragement. I alwayes thought their resorts in that sort were illegall and riotous. I have voted with this house for their suppressing; have assented to all orders for their appeasing; agreed with the parliament in all things concerning their petitions and requests. Then I hope this honourable house will not conceive me guilty of this crime, if it be one; and granted, yet, I conceive, far without the limits of treason, for these reasons:

1. They came not with armes to force any thing to be done in parliament, but humbly by petition shewed their grievances, and desired redress thereof; which is one priviledge, (and one of the greatest,) to make their griefes known to a parliament, and by them to be relieved.[1]

2. They offered no assault, but (being assaulted) preserved themselves, and departed.

3. The matter of their clamor was not against the king, nor any of his councell; it was not against the lords nor house of commons: it was only against delinquents, against such as had been the greatest oppressors of them.

Thirdly, I come, in a word, to the other articles of the charge, which I intend to speake of (under favour) altogether. I pray you, who raised any army actually in this land, but the trained bands, which was done by the parliament, for the security of their own persons in the kings absence; and in obedience to his commands, at his return home, they were discharged, and afterwards againe raised by his majesties owne royall authority? And for inviting or procuring any foreigne princes to ayd mee with an army, I am altogether innocent therein: I know of no ayd required but from Scotland, which is done by the parliament; my vote, as a member thereof, onely agreeing with them in the same; and that ayd is procured for his majesties assistance in subduing the rebellion in Ireland, and (as I conceive) for no other purpose. And for the last article wherewith I am charged, I hope to be cleered by this whole house; for what declamations or proclamations have beene published but by authority of the parliament, joyn'd with his majesties most royall power and assent thereunto? It is manifest to all people that nothing is published by the parliament, or any of the members thereof, but tendeth to the winning of the hearts of his majesties subjects to dutifull obedience and intire love and tender affection towards their gracious soveraigne. And I dare confidently say, that there is none of his majesties subjects, that are true protestants, and well affected to religion, but, upon the least command of his majesties, will spend their dearest blood in defence of his sacred person, his queen, and princely issue, of the laws and constitutions of this kingdome, of parliaments, and the rights and priviledges thereof, of religion, and the doctrine of the church of England; and therefore I conceive I am far from intending any treason, either against his majestie or kingdome. And thus,

[1] He alludes to a skirmish fought between some of the king's retinue, who had now acquired the celebrated name of Cavaliers, and the citizens, who assembled themselves at Westminster in a tumultuous manner, under pretence of petitioning parliament.

craving pardon for my presumption, and humbly thanking this honourable house for their patience, beseeching them to have a good opinion of mee and my actions, that I may receive such tryall as to their wisdomes shall seem meet, with my hearty prayers for the happy continuance of this parliament, to effect and finish such great matters, both in church and state, as may advance Gods glory, settle all things in a right frame, for the good government of this kingdome, and the everlasting peace and tranquillity of his majesty and all his kingdomes.

A Discreet and Learned Speech, spoken in the Parliament, on Wednesday, the 4th of January, 1641, *by Mr Hampden, Burgesse for Buckingham; concerning the Accusation of High Treason preferred by his Majesty against himselfe, the Lord Kimbolton, Sir Arthur Haslerigg, Mr Pym, Mr Strowd, Mr Hollis, worthy Members of the House of Commons; therein worthily declaring the Difference betwixt a good Subject and a bad, and referring his own Triall to the Judgment of that Honorable Assembly.*

Mr Speaker,

It is a true saying of the wise man, that all things happen alike to all men, as well to the good man as to the bad: there is no state or condition whatsoever, either of prosperity or adversity, but all sorts of men are sharers in the same. No man can be discerned truely by the outward appearance, whether he bee a good subject, either to his God, his prince, or his countrey, untill he be tryed by the touchstone of loyalty. Give me leave, I beseech you, to parallell the lives of either sort, that we may in some measure discern truth from falsehood; and in speaking, I shall similize their lives.

First, in religion towards God; secondly, in loyalty and due subjection to their soveraigne, in their affection towards the safety of their countrey.

First, concerning religion: the best meanes to discerne between the true and false religion is, by searching the sacred writings of the Old and New Testament, which is of itself pure, and indited by the Spirit of God, and written by holy men, unspotted in their lives and conversation; and by this sacred word may we prove whether our religion bee of God or no, and by looking in this glasse we may discern whether we are in the right way or no.

And looking into the same, I find that, by this truth of God, that there is but one God, one Christ, one faith, one religion, which is the gospell of Christ, and the doctrine of the prophets and apostles.

In these two Testaments is contained all things necessary to salvation, if that our religion doth hang upon this doctrine, and no other secondary meanes than is true; to which comes nearest the protestant religion, which wee professe, as I really and verily believe; and consequently that religion which joyneth with this doctrine of Christ and his apostles the traditions and inventions of men, prayers to the Virgin Mary, angels, saints; that useth, in the exercise of their religion, strange and superstitious worshipping, cringing, bowing, creeping to the altar, using pictures, dirges, and such like, cannot be true, but erroneous, nay devilish; and all this is used and maintained in the church of Rome, as necessary as the scripture to salvation: therefore it is a false and erroneous church, both in doctrine and discipline; and all other sects and schismes that learnes not onely on the scripture, though never so contrary to the church of Rome, is a false worshipping of God, and not the true religion. And thus much concerning the religion, to discerne the truth and falsehood thereof.

2. I come now, Mr Speaker, to the 2d thing intimated unto you; which was, how to discerne in a state betweene good subjects and bad, by their loyalty and due subjection to their lawfull soveraigne; in which I shall, under favour, observe two things.

1. Lawfull subjection to a king in his owne person, and the commands, edicts, and proclamations of the prince and privie-councell.

Lawfull obedience to the lawes, statutes, and ordinances, made, enacted by the king and the lords, with the free consent of his great councell of state, assembled in parliament.

1. For the first,---to deny a willing and dutifull obedience to a lawfull soveraigne and his privie-councell; for, as Camden truly saith, the commands of the lords privie-councellours and the edicts of the prince is all one, for they are inseparable, the one never without the other; either to defend his royal person and kingdomes, and against the enemies of the same, either publike or private; or to defend the ancient priviledges and prerogatives of the king, pertinent, and belonging of right to his royal crown, and the maintenance of his honour and dignity; or to defend and maintaine true religion established in the land, according to the truth of God, is one signe of an evill and bad subject.

2. Secondly, to yeeld obedience to the commands of a king, if against the true religion, against the ancient and fundamentall lawes of the land, is another signe of an ill subject.

3. Thirdly, to resist the lawfull power of the king, to raise insurrection against the king, admit him averse in his religion, to conspire against his sacred person, or any wayes to rebell, though commanding things against our consciences in exercising religion, or against the rights and priviledges of the subject, is an absolute signe of a disaffected and traiterous subject. And now, having given the signes of discerning evill and disloyall subjects, I shall only give you, in a word or two, the signes of discerning which are loyall and good subjects, only by turning these three signes, already shewed, on the contrary side.

1. He that willingly and cheerefully endeavoureth himselfe to obey his soveraignes commands for the defence of his owne person and kingdomes, for the defence of true religion, for the defence of the laws of his country, is a loyall and good subject.

2. To deny obedience to a king commanding any thing against God's true worship and religion, against the ancient and fundamentall lawes of the land, in endeavouring to performe the same, is a good subject.

Not to resist the lawfull and royall power of the king, to raise sedition or insurrection againt his person, or to set division betweene the king and his good subjects by rebellion, although commanding things against conscience in the exercise of religion, or against the rights and priviledges of the subject, but patiently for the same to undergo his prince's displeasure, whether it be to his imprisonment, confiscation of goods, banishment, or any other punishment whatsoever, without murmuring, grudging, or reviling against his soveraigne or his proceedings, but submitting willingly and cheerefully himselfe and his cause to Almighty God, is the only signe of an obedient and loyall subject.

I come now to the second meanes to know the difference betweene a good subject and a bad, by their obedience to the laws, statutes, and ordinances made by the king, with the whole consent of his parliament. And in this I observe a twofold subjection: In the particular members thereof dissenting from the general votes of the whole parliament; and, secondly, the whole state of the kingdome to a full parliament.

1. First, I conceive, if any particular member of a parliament, although his judgement and vote bee contrary, doe not willingly submit to the rest, is an ill subject to the king and country.

And secondly, to resist the ordinance of the whole state of the kingdome, either by

the stirring up a dislike in the hearts of his majestie's subjects of the proceedings of the parliament; to endeavour, by levying of armes, to compell the king and parliament to make such lawes as seeme best to them; to deny the power, authority, and priviledges of parliament; to cast aspersions upon the same and proceedings, thereby inducing the king to thinke ill of the same, and to be incensed against the same; to procure the untimely dissolution and breaking off of a parliament, before all things be setled by the same, for the safety and tranquillity both of king and state,—is an apparant signe of a treacherous and disloyall subject against his king and country. And thus having troubled your patience, in shewing the difference betweene true protestants and false loyall subjects and traytors, in a state or kingdome, and the meanes how to discerne them, I humbly desire my actions may be compared with either, both as I am a subject, a protestant, and a native in this country, and as I am a member of this present and happy parliament; and as I shall be found guilty upon these articles exhibited against my selfe and the other gentlemen, either a bad or a good subject to my gracious soveraigne and native country, to receive such sentence upon the same, as by this honored house shall be conceived to agree with law and justice.

Master Pymme his Speech in Parliament, on Wednesday, the 5th of January, 1641, *concerning the Vote of the House of Commons for his Discharge upon the Accusation of High Treason exhibited against Himselfe, and the Lord Kimbolton, Mr John Hampden, Sir Arthur Haslerigge, Mr Stroud, and Mr Hollis, (by his Majestie).*

Mr Speaker,

These articles of high treason, exhibited by his majestie against me and the other gentlemen, in the accusation charged with the same crime, are of great consequence, and much danger to the state: The articles, in themselves, if proved, are, according to the lawes of this land, high treason.

First, to endeavour to subvert the fundamentall lawes of the land, is, by this present parliament, in the earle of Straffords case, adjudged high treason.

Secondly, to endeavour to introduce into this kingdome an arbytrarie and tyrannicall forme of government, is likewise voted high treason.

Thirdly, to raise an army to compell the parliament to make and enact lawes, without their free votes and willing proceedings in the same, is high treason.

Fourthly, to invite a forreigne force to invade this land, to favour our designes agitated against the king and state, is high treason.

Fifthly, to animate and encourage riotous assemblies and tumults about the parliament, to compell the king to assent to the votes of the house, is treason.

Sixtly, to cast aspersions upon his majestie and his government, to alienate the affections of his people, and to make his majesty odious unto them, is treason.

Seventhly, to endeavour to draw his majestie's army into disobedience, and to side with us in our designes, if against the king, is treason.

I desire, Master Speaker, the favour of this house to declare my selfe concerning this charge, shall onely parallell and similize my actions since the sitting of this parliament with these articles.

First, Master Speaker, if to vote with the parliament, as a member of the house, wherein all our votes ought to be free, it being one of the greatest priviledges thereof to have our debates, disputes, and arguments in the same unquestionable, be to endeavour to subvert the fundamentall lawes, then am I guilty of the first article.

Secondly, If to agree and consent with the whole state of the kingdome, by vote, to ordaine and make lawes for the good government of his majesties subjects in peace and dutifull obedience to their lawfull soveraigne, be to introduce an arbitrary and tyrannical forme of government in the state, then am I guilty of this article.

Thirdly, If to consent by vote with the parliament to raise a guard, or traine-band, to secure and defend the persons or the members thereof, being invironed and beset with many dangers in the absence of the king, and by vote with the house, in willing obedience to the royall command of his sacred majesty, at his returne, be actually to levie armies against the king, then am I guilty of this article.

Fourthly, If to joyne with the parliament, by free vote, to crave brotherly assistance from Scotland, kingdomes both under obedience to one soveraigne, both his loyall and dutifull subjects, to suppresse the rebellion in Ireland, which lies gasping every day, in danger to be lost from his majesties subjection, be to invite and incourage a forraigne power to invade this kingdome, then am I guilty of high treason.

Fiftly, If to agree with the greatest and wisest councell of state to suppresse unlawful tumults and riotous assemblies, to agree with the house, by vote, to all orders, edicts, and declarations for their repelling, bee to raise and countenance them in their unlawfull actions, then am I guilty of this article.

Sixtly, If by free vote, to joyne with the parliament in publishing of a remonstrance, in setting forth declarations against delinquents in the state, against incendiaries betweene his majesties kingdome, against ill counsellors, which labour to avert his majesties affection from parliaments, against those ill-affected bishops that have innovated our religion, oppressing painfull, learned, and godly ministers with vexatious suites and molestations in their unjust courts, by cruell sentences of pillory, and cutting off their eares, great fines, banishment, and perpetual imprisonment; if this, Mr Speaker, be to cast aspersions on his majestie and his government, and to alienate the hearts of his loyall subjects, good protestants, and well affected in religion, from their due obedience to his royall majestie, then am I guilty of this article.

Seventhly, If to consent by vote with the parliament to put forth proclamations, to send declarations to his majesties army, to animate and encourage the same to his loyall obedience, to give so many subsidies, raised so many great summes of money willingly, for their keeping on foote, to serve his majestie upon his royall command, on any occasion; to apprehend and attach as delinquents such persons in the same as are disaffected, both to his sacred person, his crowne and dignity, to his wise and great councell of parliament, to the true and orthodox doctrine of the church of England, and the true religion, grounded on the doctrine of Christ himselfe, and established and confirmed by many acts of parliament, in the reigne of Hen. 8., E. 6., Queene Elizab., and King James, of blessed memory; if this, Mr Speaker, be to draw his majesties army into disobedience, and to side with us in our designes, then I am guilty of this article.

Now, Master Speaker, having given you a touch concerning these articles, comparing them with my actions ever since I have had the honour to sit in this house as a member thereof, I humbly crave your consideration and favourable judgment of them, not doubting, they being weighed in the even scales of your wisdomes, I shall be found innocent and cleare from these crimes laid to my charge.

Master Speaker, I humbly crave your further patience, to speake somewhat concerning the exhibiting of this charge, which is to propose to your considerations these propositions, viz.

First, Whether to exhibit articles of high treason by his majesties owne hands in this house, agrees with the rights and priviledges thereof.

Secondly, Whether for a guard armed to come into the parliament, to accuse any of the members thereof, be not a breach of the priviledge of parliament.

Thirdly, Whether any of the members of parliament being so accused, may be committed upon such accusation, without the whole consent thereof.

Fourthly, Whether a parliament hath not priviledge to bayle any member so accused.

Fifthly, and lastly, Whether if any of the members of a parliament so charged, and by the house discharged, without release from his majestie, may still sit in the house as members of the same. And thus, Master Speaker, I humbly crave pardon for my presumption in so farre troubling this honourable house, desiring their favourable consideration of all my actions, and that I may have such tryal as to this wise counsell shall seeme meete, cheerefully submitting my selfe and actions to the righteous judgment of the same.

Speech made in Parliament by Mr Glyn, on Wednesday, the 5th of January, 1641, *concerning the Breaches of the Priviledges thereof, by breaking open the Chambers, Truncks, and Studies of the Six worthy Members of Parliament, upon their Accusation of High Treason by his Majesty.*

The enterprize, so rashly commenced by the accusation of the six members, was followed up with a presumption equally astonishing and fatal. The studies, chambers, and trunks of the accused were broken open and searched; proceedings arbitrary and illegal at all times, but which, attempted at such a period, argued either frenzy or treason in the king's advisers. So soon as the intelligence reached the house, it was received with the highest indignation; and after some speeches from the leading members, two of which are here inserted, the house adopted the following resolution:

"Die Lunæ, 3d January, 1641.

"It is this day ordered, upon the question by the commons house of parliament, that if any person whatsoever shall come to the lodgings of any member of this house, and there do offer to seal the trunks, doors, or papers of any member in this house, or to seize upon their persons,—that then such members shall require the aid of the constable, to keep such persons in safe custody till this house give further order. And this house doth farther declare, that if any person whatsoever shall offer to arrest or detain the person of any member of this house, without first acquainting the house therewith, and receiving further order from this house, that it is lawful for such member, or any person, to assist him, and to stand upon his and their guard of defence, and to make resistance, according to the protestation taken to defend the privileges of parliament."

H. Elsynge, Cler. Parl. D. Com.

Mr Speaker,

Wee sit now upon that grand businesse of the breaches of the rights and priviledges of parliaments, which are so many and great, so carefully preserved and defended, and having in former times severely punished the infringers thereof, that I had thought and conceived that no subject, of what degree or dignity soever, would, either in their owne persons, or by misinforming his majesty concerning the same, would have presumed to have intrenched in the least measure upon the free liberty, rights, and very beings of parliaments, tending to the breach thereof. But, Mr Speaker, I perceive the perversenesse of diverse persons in places of authority, that they dare not onely presume to provoke his majesty, by their politicke misinformations, but dare attempt, of them-

selves, to resist the lawfull power, both of the king and his high court of parliament.

Mr Speaker, these men, notwithstanding they apparantly perceive that their wicked practises and malicious designes cannot take effect according to their expectation, but are erected and detected as well by his sacred majestie as his lords and his whole counsell, dare venture to endeavour, by casting aspersions, and spreading abroad evill reports, not onely of the members, but of the proceedings of the house of commons against them and others of their adherents, and favorets in their wicked and desperate actions and designes against their lawful soveraigne and his liege people.

I conceive, Mr Speaker, did these persons but remember the many presidents, yet extant, of the just and deserved punishments inflicted by former parliaments upon such miscreants, as witnesse the arch-bishop of Yorke, the duke of Suffolke, Chiefe-justice Belknap, and the rest of that conspiracy, in the raigne of King Edward the Second, they would have prejudicated to themselves the like danger would follow upon them, for their evill actions.

Nay, Mr Speaker, did these men but consider with themselves the just judgements of God, that have immediately lighted upon the nexes of such as have beene the troublers of kingdomes and common-wealth, whereof they have beene members, as well recorded in sacred writ as of late times in this kingdome, yet still in fresh memory, they would have layd their hands upon their mouthes and hearts, when they went about to speake or doe any thing tending to the dishonour of Almighty God, in innovating of his true religion, corrupting the sincere doctrine and discipline of Christ and his apostles, as also any thing tending to the dishonour and perpetuall distruction of his royall majestie, (however otherwise they may pretend,) the fundamentall lawes and liberties of this kingdom, the rights and priviledges of parliaments, and the very being thereof; but surely, Mr Speaker, they are altogether benumed and stupified, their consciences dead and cheered, their lives and conversations altogether devoted to the workes of darknesse and impurity, their desires altogether sensuall, carnall, and divelish, forgetting God, kicking and spurring, with maliciousnesse, against all piety and godlinesse, or else they would never have adventured to practise such things as it is too manifest they have done.

Mr Speaker, I intend to be briefe in that which I am to speake concerning the breaches of the priviledges of parliament.

First, to informe his majesty of any proceedings in the house of commons, upon any businesses whatsoever, before they have concluded, finished, and made ready the same to present to his majesty, for his royall assent thereunto, is a breach of the priviledges of parliament. Secondly, to misinforme his majesty, contrary to the proceedings in parliament, thereby to incense and provoke him against the same, is a breach of priviledge of parliament. Thirdly, to cause or procure any information or accusation to be brought or preferred, without the knowledge or consent of the parliament, into the house, against any of the members thereof, is a breach of priviledge of parliament. Fourthly, to apprehend any such accused, to imprison their persons, to seize upon their goods or estates, to prosecute and proceed against them to their tryall and judgement, to condemne or execute them upon such accusation, without the consent or advise of the parliament, is a breach of the priviledges thereof. Fiftly, to endeavour to cast an evill opinion of such members accused into the hearts of his majesties loyall subjects, whereby they, disaffecting them, may be ready and willing to put in execution any command or warrant for their apprehension and imprisonment, is a breach of the priviledges of parliament. Sixthly, to come in open parliament for any officer or serjeant to demand and arrest any such member accused, be it of high treason or any other crime whatsoever, without the knowledge of the whole house, is a breach of the priviledges of parliament. Seventhly, to come to a parliament, sitting in free consultation,

assisted and guarded armed men, and with them bee sitting; the house to demand, a it were, viz. &c. armies, such members accused, is a breach of priviledges of parliament.

Lastly, to procure to be set forth, or to set forth, under his majesties name, any proclamation or declaration, prohibiting the repaire of such persons accused to the parliament, as members thereof, and to apprehend them in what place soever they shall be found, without the advice and consent of the whole state assembled, and sitting in free parliament, is a manifest breach of the priviledges thereof. And this, Mr Speaker, is all that I have to say concerning this dayes businesses, humbly leaving the same to the consideration of this honourable assembly.

Mr Grimston his Speech, at the Committee sitting at Guild-hall, on Thursday, the 6th of January, 1641, *concerning the Breaches of the Priviledges of Parliament; by breaking open the Chambers, Studies, and Trunks of the Lord Kimbolton and the rest of the Members of the House of Commons accused by his Majesty of High Treason. Whereupon, the same day, there was a Declaration agreed upon, and published, for the Preservation of their Priviledges, and Protection of their Members from the like Violence for the time to come.*

Mr Speaker,

THERE is no courts of judicature within this kingdome of England but have several rights and priviledges appertaining and belonging unto them, and have such power and authority, in the severall jurisdictions of the same, that they may call to an account, prosecute, and bring to judgement, the infringers and breakers of the same. Of all these courts there is none, yea, put them all together, they are not of such power and jurisdiction, but inferiour and subject to the ordinances and statutes of the high court of parliament.

Mr Speaker, of such awfull predominance is the very name of a parliament of this nation, that it strikes with terrour and despaire all such evill doers as are malefactors in the state: on the contrary side, it cheares and comforts the drooping spirits of men groaning under the burden of tyrannicall oppression, inflicted on them, unjustly and maliciously, by unmercifull and wicked men, that have usurped to themselves places and offices of power and authority, both in church and state.

Mr Speaker, this great and high court is not only the powerfullest of all other courts whatsoever, but the prudentest and wisest, made and compacted, not onely of men sound in religion, well learned, but ripe in their judgements, contracted from all parts of this kingdome, elected and chosen with the free consent of the whole body politique of the kingdome. This great and high councell is not onely of such power and wisdome, but endowed and attended with the most and greatest priviledges of all others; yea, so great are the priviledges thereof, that not onely the meanest of his majesties subjects, but the greatest personages of the kingdome are in danger, if infringers of the same, to be called in question, and by them punished therefore. Give me leave, Mr Speaker, to speake somewhat of the priviledges, in particular, incident and appertaining to this wise senate; and in speaking thereof, I shall observe these three particulars: first, the rights and priviledges belonging to the same, in the free votes and judicature thereof; secondly, the rights and priviledges belonging to the power and jurisdiction thereof; and thirdly, the rights and priviledges in the continuance thereof, being freely called and assembled by his majesties royall authority, not to be

dissolved or broken off, till all things agitated therein, for the good both of church and common-wealth, be fully concluded and determined.

First, Mr Speaker, concerning the priviledges of a parliament, belonging to the free votes and judicature thereof, I shall observe these particulars: first, to speake freely, without interruption or contradiction, in any debate, dispute, or argument, upon any businesse agitated in the same, being a member thereof, I conceive to be one priviledge of a parliament.

Secondly, not to be questioned for any such free dispute, argument, or debate, to be taxed or accused for the same, either during the free sitting thereof, or after, is another priviledge of parliament.

Thirdly, freely to give vote, judgement, or sentence, upon the reading of any bill, to be made a law, or any bill, either of attainder, or other charge, against delinquents and criminous persons of the state, at their triall upon the same, is a third priviledge of parliament.

Fourthly, to defend and maintain the free votes, judgements, and sentences of the whole house, by protestation, remonstrance, or other declaration, if not consented unto or opposed by the house of lords, is a fourth priviledge.

Fifthly, for any member of the house not to be accused of any crime, or impeached for treason, by any person whatsoever, during the continuance of the parliament, for things done in the same, without legall accusation and prosecution of any such member by the whole house, is another priviledge of parliament.

Sixthly, not to be apprehended upon such impeachment, or arrested by any officer, or to have, upon such accusation, their chambers, trunks, and studies broken open, their bookes and writings seized upon, without consent or warrant of the whole parliament, is another priviledge of the same. And thus much, Mr Speaker, shall suffice to be spoken concerning the priviledges and rites of parliament, pertinent to the subject of which I am to speake. I come now to the second thing I proposed to your audience, which was the rites and priviledges belonging to the power and jurisdiction of the parliament; in which I shall observe these particulars. First, to consult and consider of what lawes are fit to be made and enacted in this kingdome, for the good government thereof, is one priviledge belonging to the power and jurisdiction of this high court.

Secondly, to nullifie and abrogate, repeale, make voide, to ratifie and confirme, establish and maintaine lawes, statutes, and ordinances, made and enacted by precedent parliament, by councels of state, or other courts of judicature, is a second priviledge pertaining to the power and jurisdiction of the parliament.

Thirdly, to give subsidies, to raise taxes, to impose loanes and other charges upon the subject, is another priviledge belonging to the power and jurisdiction of the parliament.

Fourthly, to accuse or impeach any incendiaries or delinquents in this kingdome of any crime notorious, tending to the prejudice of his majesty or any of his loyall subjects, whether it be for treason or otherwise, be they members of the parliament or no, is another priviledge belonging to the power and jurisdiction of the parliament.

Fifthly, and lastly, to proceed and bring to judgement such persons so accused or impeached, for any crime whatsoever, is another priviledge belonging to the power and jurisdiction of this court. And thus much of the rites and priviledges belonging to the power and jurisdiction of a parliament.

And now, Mr Speaker, I come to the last things I mentioned to you, concerning the priviledges belonging to the continuance and free sitting, till all things be concluded of for the good government, both of church and state; in which I shall also observe these particulars. First, that for a parliament, when freely called and assembled by royall authority, not to be tyed to debate or argue any one particular businesse,

appointed by any person whatsoever, is one priviledge belonging to the free continuance of a parliament.

Secondly, not to break off or dissolve a free parliament, untill all the grievances and oppressions of all his majesties loyall subjects bee fully redressed and remedied, is a second priviledge belonging to the continuance of a parliament.

Thirdly, not to breake off or dissolve a parliament, till all incendiaries and delinquents in the state be brought to condigne punishment for their crimes.

Fourthly, and lastly, not to accuse or impeach any member of the parliament, thereby to hinder and interrupt the legall proceedings thereof in the waighty affaires of the common-wealth, is another priviledge belonging to the continuance of a parliament.

And thus, Master Speaker, having briefly declared unto you the power and jurisdiction of a parliament, above all other courts of judicature in this land; the wisdome and policy of a parliament above all other councells; the rights and priviledges of a parliament, in respect of the free votes and judicature thereof; the power and jurisdiction thereof; and the free continuance thereof; I humbly leave to the consideration of this house, whether the accusation of these gentlemen, accused by his majesty, and the illegall breaking open, upon this their accusation, of their chambers, trunks, and studies, be not a breach of some of the priviledges of parliament which I have mentioned unto you.

The Kings Majesties Demand of the House of Commons concerning those Members who were accused of High Treason, Jan. 4, 1641; with Mr Speaker's Reply unto the said Demand: also, the Occasion of his Majesties comming to Guild-hall on Wednesday; with the Conference betweene his Majesty and the Lord Mayor concerning these present Tumults in the Citie; with his Majesties Speech in Guild-hall, to the Court of Aldermen and Common Councell of the City of London. Whereunto is added, an Order or Protestation of the Grand Committees of both Houses of Parliament of Guild-hall, concerning the Protection of the Members of the House of Commons attached of High Treason, and others.

The accusation of the six members, and the attempt to seize their papers, wonderful and unseasonable as such proceedings were, bore no proportion to the final act of infatuation when the king went down in person to the house, to demand that they should be surrendered to him. Rushworth gives the following account of that marvellous transaction.

" The said five accused members, this day, after dinner, came into the house, and did appear, according to the special order and injunction of the house, laid upon them yesterday, to give their attendance upon the house *de die in diem*, and their appearance was entered in the journal.

" They were no sooner sate in their places, but the house was informed, by one Captain Langrish, lately an officer at arms in France, that he came from among the officers and soldiers at Whitehall, and understanding by them that his majesty was coming, with a guard of military men, commanders, and soldiers, to the house of commons, he passed by them with some difficulty, to get to the house before them, and sent in word how near the said officers and soldiers were come; whereupon a certain member of the house having also private intimation from the Countess of Carlile, sister to the Earl of Northumberland, that endeavours would be used this day to apprehend the five members, the house required the five members to depart the house forthwith, to the end to avoid combustion in the house, if the said soldiers should use violence to pull any of them out: to which command of the house four of the said members yielded ready obedi-

ence, but Mr Stroud was obstinate, till Sir Walter Earle (his ancient acquaintance) pulled him out by force, the king being at that time entering into the New Palace-Yard, in Westminster. And as his majesty came through Westminster-hall, the commanders, reformadoes, &c. that attended him, made a lane on both sides the hall, (through which his majesty passed, and came up the stairs to the house of commons,) and stood before the guard of pensioners and halberteers, (who also attended the king's person;) and the door of the house of commons being thrown open, his majesty entered the house, and as he past up towards the chair, he cast his eye on the right hand, near the bar of the house, where Mr Pym used to sit, but his majesty not seeing him there, (knowing him well,) went up to the chair, and said, "By your leave, Mr Speaker, I must borrow your chair a little;" whereupon the speaker came out of the chair, and his majesty stept up into it. After he had stood in the chair a while, casting his eye upon the members as they stood up uncovered, but could not discern any of the five members to be there, nor indeed were they easie to be discerned, (had they been there,) among so many bare faces, all standing up together,—

" Then his majestie made his speech.

" Gentlemen,

" I am sorry for this occasion of coming among you. Yesterday I sent a serjeant-at-arms, upon a very important occasion, to apprehend some, that, by my command, were accused of high treason; whereunto I did expect obedience, and not a message. And I must declare unto you here, that albeit no king that ever was in England shall be more careful of your privileges, to maintain them to the uttermost of his power, than I shall be, yet you must know, that in cases of treason, no person hath a privilege; and therefore I am come to know if any of these persons that were accused are here: for I must tell you, gentlemen, that so long as these persons that I have accused (for no slight crime, but for treason,) are here, I cannot expect this house will be in the right way that I do heartily wish it: therefore I am come to tell you, that I must have them wheresoever I find them. Well, since I see all the birds are flown, I do expect from you that you shall send them unto me as soon as they return hither. But I assure you, in the word of a king, I never did intend any force, but shall proceed in a legal and fair way, for I never meant any other.

" And now, since I see I cannot do what I came for, I think this no unfit occasion to repeat what I have said formerly,—that whatsoever I have done in favour, and to the good of my subjects, I do mean to maintain it. I will trouble you no more, but tell you, I do expect, as soon as they come to the house, you will send them to me; otherwise, I must take my own course to find them."

" When the king was looking about the house, the speaker standing below, by the chair, his majesty asked him, Whether any of these persons were in the house? whether he saw any of them? and where they were? To which the speaker, falling on his knee, thus answered:

" May it please your majesty,

" I have neither eyes to see, nor tongue to speak, in this place, but as the house is pleased to direct me, whose servant I am here; and I humbly beg your majesty's pardon, that I cannot give any other answer than this, to what your majesty is pleased to demand of me."

" The king having concluded his speech, went out of the house again, which was in great disorder; and many members cried out aloud, so as he might hear them, 'Privilege! privilege!' and forthwith adjourned till the next day, at one of the clock."—Rushworth, IV. 477.

Lord Digby is universally allowed to have had the credit of recommending this extraordinary proceeding, and his fidelity to the king has never been doubted, or he would have lain open to much suspicion. If the members had remained in the house, they could not have been secured without violence, the effect of which must necessarily have been, the endangering the king's person, whose handful of attendants could have made no effectual resistance against the numbers who would instantly have assembled to the assistance of the house of commons. We can pardon a king for believing in the hedge of his divinity, but scarcely the counsellor who advises him to confide in it.

His Majesties comming to the House of Commons.

Upon Tuesday last, being the 4th of January, his majesty came himselfe in person unto the house of commons, and desired to know the reason why his command concerning

those members whom he had accused of treason was disobeyed, and withall, did demand to have them imprisoned; unto which demand Mr Speaker thus replyed:

May it please your most gracious majestie,

I HOPE there are none here of such contumacious and disobedient spirits, who will any way endeavour to deprive your majestie of the least priviledge that shall belong unto your sacred person, but, with a most united affection, will labour to propagate and enlarge the extent of your authority. I doe believe that there are none within the number of this assembly but very well know, that the glory of the subject consists in the amplitude of the kings honours and power. It hath pleased your majesty to accuse some members of this house, and to attaint them as guilty of treason against your royall selfe and this your kingdomes. Let your highnesse be pleased to understand, that we are so farre from defending those whom your majesty hath accused, that we will, with all severity justice will permit, and without respect unto their persons, examine the truth, and be ready to prosecute the cause so farre as it shall deserve. Onely let your majesty be pleased to vouchsafe this liberty unto your most loyall subjects here now assembled in parliament:---That you would be pleased to accept of such bayle as the assembly shall tender unto your highnesse, which shall be the persons of this whole assembly; and that those that stand thus accused may, with all convenient speed, have their tryall, according to the lawes and customes of this kingdome. Let your highnesse be pleased to understand, that those who are thus accused desire no delay nor protraction of time, but most seriously beseech your majesty that they may forthwith be called to give in their answer, and make their defence: for we all know, that by these, and the like sudden distractions, the proceedings of the more waighty and serious affayres of this kingdom are much prohibited and stayed; and we think it most necessary and convenient that all rubs and stayes should be taken away, that so we may chearfully and speedily proceed, both to the content of your majesty, and satisfaction to the subject. I hope your majesty will be pleased graciously to consider of these premisses, wherein I hope nothing hath bin spoke either to the prejudice of your royall authority, or the infringing of your majesties power and prerogative.

The Occasion of his Majesties comming to Guild-hall, on Wednesday last the fift of January, and the Conference between his Majesty, the Lord Mayor, the Court of Aldermen, and the Common Councell.

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* When he (Lord Digby) found the ill success of the impeachment in both houses, and how unsatisfied all were with the proceeding, he advised the king the next morning to go to the Guild-hall, and to inform the mayor and aldermen of the grounds of his proceedings; which will be mentioned anon. And that people might not believe that there was any dejection of mind, or sorrow for what was done, the same night the same council caused a proclamation to be prepared for stopping the ports, that the accused persons might not escape out of the kingdom, and to forbid all persons to receive and harbour them; when it was well known that they were all together in a house in the city, without any fear of their security. And all this was done without the least communication with any body but the Lord Digby, who advised it, and, it is very true, was so willing to take the utmost hazard upon himself, that he did offer the king, when he knew in what house they were, together with a select company of gentlemen, who would accompany him, whereof Sir Thomas Lunsford was one, to seize upon them, and bring them away alive, or leave them dead upon the place.

"That night the persons accused removed themselves into their strong hold, the city; not that they durst not venture themselves at their old lodgings, for no man would have presumed to trouble them, but that the city might see that they relied upon that place for a sanctuary of their privileges against violence and oppression, and so might put on an early concernment for them. And they were not disappointed; for, in spight of all the lord-mayor could do to compose their distempers, (who, like a very wise and stout magistrate, bestirred himself,) the city was that whole night in arms; some people, designed to that purpose, running from one gate to another, and crying out, that the cavaliers were coming to fire the city; and some saying, that the king himself was in the head of them.

"The next morning, the king being informed of much that had passed that night, according to the advice he had received, sent to the lord-mayor to call a common council immediately; and, about ten of the clock, himselfe, attended only by three or four lords, went to the Guild-hall, and in the room where the people were assembled, told them, he was very sorry to hear of the apprehensions they had entertained of danger; that he was come to them, to shew how much he relied upon their affections for his security and guard, having brought no other with him; that he had accused certain men of high treason, against whom he would proceed in a legal way, and therefore he presumed they would not shelter them in the city: and using many other very gracious expressions of his value of them, and telling one of the sheriffs (who was of the two thought less inclined to his service,) that he would dine with him, he departed, without that applause and chearfulness which he might have expected from the extraordinary grace he vouchsafed to them. And in his passage through the city, the rude people flocked together, and cryed out, 'Privilege of parliament! privilege of parliament!' some of them pressing very near his own coach, and, amongst the rest, one calling out, with a very loud voice, 'To your tents, O Israel!' However, the king, though much mortified, continued his resolution, taking little notice of the distempers; and having dined at the sheriff's, returned in the afternoon to Whitehall, and published, the next day, a proclamation for the apprehension of all those who had been accused of high treason, forbidding any person to harbour them; the articles of their charge being likewise printed and dispersed."—CLARENDON'S *History*, I. 283.

ON Wednesday last, in the morning, his majesty tooke coach, and went from his pallace of Whitehall unto the Tower, and from thence sent unto the lord-mayor, that he should, with the aldermen and common-councell of this city, attend his majesty at Guild-hall, at 3 of the clock. His majesty that day dined with Alderman Garrat: after dinner, according to his appointment, went to Guild-hall, whose comming was attended with great multitudes of people, who stayed in the yard, to satisfie their expectation, and to understand the cause of his majesties meeting at that place.

As soon as his majesty entred the hall, and had taken possession of the place prepared for him, he moved the lord-mayor to satisfy him of the whole cause of the tumultuous risings and uproares of the citizens, which had much disquieted the whole kingdom; and withall, telling of late them, that his desire was to governe them as king, and not like a tyrant; endeavouring rather to winne their obedience by love, then to compell them by feare. The lord-mayor replyed, that so farre forth as he could understand, the great and generall cause of discontent arose from the distraction and unsettled state in religion; that they complayn'd of the pride of the bishops, and the unsettled forme in divine service; that their soules and consciences were much captivated with innovations brought into the church; and that the feare of the introduction of the Romish religion did stirre and move them to this outrage. In fine, he told his majesty, that, considering this present parliament had now sate above a whole yeare, yet nothing was concluded of, or enacted to the reformation of the abuses with which the subject was much agrieved; whereby, in this city especially, but throughout the whole kingdome generally, there was a decay of trading, so that many have bin enforced to leave off their calling, and have by this means bin undone, both themselves and their whole families. His majesty, at the first hearing of this relation, seemed much troubled, but after some small

pawse, he recollected himselfe, and replyed unto the lord-mayor,---that all these things should have speedy remedy; that the citizens should have satisfaction, so farre forth as their demands were reasonable; and withall, told them that were there present, that he would referre himselfe and the ordering of all the affayres wholly unto the care and judgment of the parliament; withall telling them, that whatsoever they should conclude of, that he would ratifie and confirme. No sooner did this reply come to their eares who waited in the yard to understand the conclusion of this conference, but that they gave a great shoote, and made a loud acclamation of joy, and so departed peaceably unto their own houses, as men well satisfied and contented; and so, presently after, his majesty, and those who did there attend him, took coach, and went to Whitehall.

His Majesties Speech at Guild-hall, to the Court of Aldermen and Common-Councell of the City of London, January 5, 1641.

Gentlemen,

I AM come to demand such prisoners as I have already attainted of high treason; and doe believe they are shrouded in the city: I hope no good man will keep them from me: their offences are treason and misdemeanors of a high nature. I desire your loving assistance herein, that they may be brought to a legall triall.

And whereas there are divers suspitions raysed that I am a favourer of the popish religion, I doe professe, in the name of a king, that I did, and ever will, and that to the utmost of my power, I will be a prosecutor of all such as shall any way oppose the lawes and statutes of this kingdome, either papist or seperatist; and not onely so, but I will maintaine and defend that true protestant religion which my father did professe, and I will still continue in during life.

After which, his majesty was conducted to Alderman Garretes house, in Aldermary Church-yard, nere St Antholins, where he was royally feasted; and after dinner, he was attended with the lord-mayor, the sheriffes, and others, the aldermen of the city, to his pallace at Whitehall.

But the lord-mayor, taking his leave of his majesty, upon his returne to his house in London, was most violently assaulted by a multitude of rude citizens and other uncivill women, amongst whom he was much abused, his chayne broken, which was about his necke, and his gowne torne upon his backe; whereupon the citizens was raysed to conduct him home to his house in the Old Jewry.

On the next day, being Thursday, and the twelfe day, the grand committee of both houses of parliament repaired to Guild-hall, where, after debate of many particular businesses,—

It was this day ordered upon the question, by the commons house of parliament, that if any persons whatsoever shall come to the lodgings of any member of this house, and there doe offer to seale the trunks, doores, or papers of any members of this house, or to seize upon their persons; that then such members shall require the ayd of the constable, to keep such persons in safe custody till this house doe give further order. And this house doth further declare, That if any person whatsoever shall offer to arrest or detain the person of any member of this house, without first acquainting this house therewith, and receiving further order from this house, that it is lawfull for such member, or any person to assist him, and to stand upon his and their guard of defence, and to make resistance, according to the protestation taken to defend the priviledges of parliament.

Whereupon Serjeant Dandy, a messenger, and an officer to his majesty, was apprehended, upon suspition of having power and commission to apprehend any of the forenamed members of the house of commons, who was brought before the said grand committee to be examined; but, upon extraordinary occasions, he was commanded to attend at Grocers-Hall, where the committees had appointed to meet the next day, in regard the court at Guild-hall was to be kept the next day.

H. Elsyng, Cl. Par. D. Com.

Master Meynard his Speech at the Committee at Guild-hall, in London, on Thursday, January 6, concerning the Breaches of Priviledges of Parliament. An. Dom. 1641.

The house of commons did not fail to avail themselves of the rash and infatuated proceedings of their misguided sovereign. Every ill directed blow which he had aimed against them, had, at the same time, exhausted his own strength, and given additional spirits to the enemy. But it was necessary to assume an appearance of apprehensive terror, which they were far from feeling. They lamented their state of insecurity at Westminster, as if they had expected another and more hostile visit from the king and his cavaliers. As they could not adjourn the parliament to meet else-where than at Westminster, they resolved the house into a committee, which was appointed to sit both forenoon and afternoon in the city. They were received with acclamation, found a guard ready to attend them, and a committee of the common-council appointed to execute their commands. It was in this state of power and security that they proceeded to make inquiry into the most obnoxious particulars attending the king's ill-judged prosecution of the five members.

Master Speaker,

The intermission of parliaments, so long together, hath been the onely cause, I confidently beleeve, of all those evils and troubles that have happened upon this and the other his majesties kingdomes. The perverse nature of man is so froward and crooked, that it is alwayes inclined and bent to do nothing but that which is evill, without restriction, either by the powerfull preaching of the word of God, wholesome and pious discipline in the exercise of religion, and good lawes made for the strict observance and performance of the same, under paine of severe punishment for not obeying thereof; I say, without restraint, by such meanes, the corrupt nature of the flesh is not to be curbed, but will goe on to the committing of all manner of wickednesse, both against God, his king, and country; and, Master Speaker, the onely meanes to preserve and injoyne the sincere and pure teaching of Gods word and pious discipline, by wholsome lawes, enacted and made for that purpose, is by a parliament, by that great and wise councell, expert in all the sciences of good government, either of a church or common-wealth.

A parliament, Master Speaker, is the clearest looking-glasse for a state perfectly to see it selfe in, that ever was made; there is no disease, infirmity, misery that groanes under the burthen of, but in this glasse it may be perspicuously perceaved, and the originall and prime causes that have produced the same: this glasse is not onely cleere and bright to looke in, but it is medicinall, of that soveraigne power and efficacy, that it can cure and remedy all the grievances of the spectatours therein, of what personage, degree, or dignity soever they be, of what condition or quality soever the disease be

they are infected withall, of what profession or function so ever, whether spirituall or temporall, they are of, if they do but looke herein.

Be they infected with pride, hautinesse of heart, (if in places of authority,) exercising tyranny over the kings good people and loyall subjects, let them be but brought to looke in this glasse, they may have remedy.

Be they infected with too much ease, idlenesse, and plenty, (if of the clergie,) whereby is produced covetousnesse, luxury, wantonnesse, avarice, and all manner of lasciviousnesse, neglecting their duties in their severall places in the church, as ordinary teachers and dispensers of the word of God; or, being in authority and places of government in the church, becoming hoarse and dumbe in their preaching and dispensation of the truth of God, according to the spirituall and pure meaning thereof; or else corrupt in their doctrine, teaching false doctrine, not the word of God, but their owne inventions, or the inventions or traditions of others; turning the truth into a lye; joyning and adding to the same their own devices; as they are teachers and instructors of the people and children of God, or as they are in authority, becomming proud, high-minded, not contented with their spirituall offices, but usurping to themselves temporall jurisdiction, exercising cruelty; and those that are faithfull and painfull teachers of the word, holy in their lives and conversations, incouraging vaine and idle persons, scandalous both in their teaching and in their lives: these, I say, Master Speaker, infected with all these sores and dangerous ulcers, looking but into this glasse, may receave cure.

Be they infected with bribery, injustice, and oppression, (be they judges, or other officers, in places of judicature in this kingdome,) in their severall courts, over his majesties subjects, by viewing themselves in this glasse, may receave remedy.

Be they infected with subtle plots, monopolizing devises, (be they courtiers, officers, customers, or whatsoever else,) thereby procuring graunts, pattents, monopolies, by them, oppressing and excessively charging the subject, raising and increasing the rates and prices of all commodities, either imported or exported in this land, if they looke in this prospective, may be cured.

Be they infected with treachery, conspiracy, or with any other divellish practise or designe against his majesty or his kingdomes, as they are either papists, recusants, priests, and jesuits, or dissolute and disaffected protestants, or Baals priests, that halt betweene divers opinions, in part protestants, in part papists, and in part arminians, if they will but look into this glasse, it will cleerly discover and cure them.

And thus, Master Speaker, having spoken somewhat of the nature of a parliament, and of the soveraignty thereof, in discovering and curing all diseases in a commonwealth, I come to speak a word or two of the rights and priviledges appertaining and belonging to a parliament. I know right well these gentlemen that spake yesterday have set forth clearely and learnedly the priviledges thereof, sufficiently serving, as I conceive, for this days businesse: I shall onely speake concerning that priviledge which one of them have already mentioned,—not to be questioned or accused for or concerning any vote, argument, or dispute, as members of a parliament in the same, during the free sitting thereof, either in the continuance of parliament, or after the same be dissolved, or broken off, either legally or illegally. That which I shall onely speake of, is, the breach of this grand priviledge of parliament, as I conceave, by the accusing of high treason those six worthy members of the same, during the continuance thereof, for matters debated of and done in the same, as members thereof; and, upon this accusation, to breake open their chambers, trunkes, and studies, and seysing on their bookes and writings; these, I conceave are great breaches of this priviledge, for these reasons:

1. If to be questioned for free debating or arguing in parliament be no breach of this priviledge, then can we not safely intermeddle and agitate any busines whatsoever, either concerning church or state, but what shall be appointed and nominated by his

majesty and his privy-councell; which is a restriction of the power of parliament, given unto the same by the royall confirmation of his majesty, confirming to us, at our meeting, all our rights and priviledges.

2. Secondly, if to accuse the members of the parliament of treason for things done in the house, be not a breach of this priviledge, then is it dangerous to sit in parliament upon any businesse of disorders in the state, and grievances of the subject, committed by great personages, as lords and bishops, which may, by their subtle inventions, induce his majesty to favour their actions, they pretending all they do is for his honour, maintenance of his prerogative and royall power, and the like.

3. And lastly, if, upon any such accusation, the chambers, trunkes, and studies of such accused members may be broken open, and their writings seysed on, be not a breach of this priviledge, then will it altogether discourage any man to undertake any service for the good of his country, when he shall perceave he may at pleasure be bereaved of such meanes and helps as may inable and make him fit for the same.

And now, Master Speaker, having added to the former speeches what I conceave necessary to the businesse we have now in debate, my humble motion is, that a declaration may be forthwith drawne, and set forth in print, giving notice to all his majesties loyall subjects, of the priviledges of parliament, and breaches thereof, by the accusing of these gentlemen, breaking open their chambers, &c. and endeavouring to apprehend and commit them to prison, under a certaine punishment to be inflicted upon those that shall obstinately refuse to observe the same.

The Two Petitions of the county of Buckingham, as they were presented to both Houses, by Knights, Esquires, Captaines, and Gentlemen, with a very great number of Freeholders, being the true Copy, as it was presented to the Houses of Parliament, January 11, 1641*; as also, the humble Petition of the Mariners and Sea-men, Inhabitants in and about the Ports of London, and the River Thames; together with the Petition of the Foure Innes of Court.*

Notwithstanding this petition, the Inns of Court were far from being united in the popular cause. They had offered themselves as a guard to his majesty in the beginning of the tumults, and were so much relied upon by the court, that they had orders to be ready at an hour's warning, on the fatal 6th of January, when the king went to the house of commons, in case he should have occasion for their service. They were questioned on this account by the house of commons, but gave such answers as were deemed satisfactory.—Rushworth, part III. vol. i. p. 476.

The humble Petition of the Gentlemen of the Four Innes of Court, to the House of Commons.

That you will be pleased to reflect upon the honourable service of God, to behold him in his throne and dignity, that thereby the poore protestants of this kingdome, between the two extremities of zeale, may not suffer a distraction in religion.

That you will be pleased to serve Gods annointed, his immediate vice-gerent, our true and lawfull soveraigne lord the king, in his person and all his regall dignities and lawfull immunities, without any impeachment of his regality, in whose honour the reputation of the three kingdomes depend.

That you will be pleased to ratifie and confirme all things, both concerning his majesty and the state of this kingdome, as they were in those blessed daies of Queen Elizabeth and King James, that we may thereby live, in these latter and turbulent times, with as much peace to our consciences, with as much dignity to our nation, in as true love and obedience to our lawfull soveraigne, and with as much libertie and liberality of our fortunes, as our fore-fathers heretofore have done.

That you will not suffer learning to be defaced nor discountenanced by the ignorant, but rather that you will be pleased to advance it to its dignity, it being the maine supporter of lawfull obedience, of order, civility, and regularity in all sorts.

That you will be pleased to qualifie the exhorbitances of the separatists and disorderly persons, that thereby the city of London and the suburbs may be disburthened from their continuall care and feares, besides their losse of time, health, and fortunes, which, by their train-bands, double and treble watches and wards, they continually doe sustaine.

That you will be pleased, as the state, by election, hath made you members of this honourable house, and adopted you our fathers, to governe our fortunes, to establish our lawes, and to regulate our actions; so we now beseech you to satisfie our consciences, to preserve our reputations, and to admit of a liberall and free discourse in parliament concerning all these particulars, without interruption or feare of punishment, that thereby the glory of God may be exalted, the dignity of our king and kingdom may be preserved, the immunities of your house, according to the ancient custome of England, continued, all precipitated tumults appeased, and all discords amongst us peaceably united, the valiant and renowned actions of our predecessors revived, our tottering fortunes established, our king and kingdomes united, that so our minds and consciences may be fully satisfied.

To the Honourable the Knights, Citizens, and Burgesses of the House of Commons, now assembled in Parliament, the humble Petition of the Inhabitants of the County of Buckingham.

This petition was said to be brought to London by upwards of six thousand men, and was probably drawn up by their representative, the celebrated Hampden. They presented another petition to the house of lords against wicked counsellors, plotters, and delinquents. They offered a third petition to the king, in which they lamented, "That Mr Hampden, whom they had chosen knight of their shire, and in whom they had ever good cause to confide, was, to their great amazement, accused, among others, of high treason. They said, that having taken into their consideration the manner of their impeachment, they could not but conceive that it did oppugn the rights of parliament, to the maintenance whereof their protestation did bind them; and they did believe that the malice which his and the others zeal to his majesty's service and the state had raised in the enemies of his majesty, the church, and the common-wealth, had occasioned that foul accusation, rather than any ill deserts of theirs; and that through their sides the judgment and care of the petitioners and others were wounded, by whose choice they were represented to the house; and therefore they did humbly desire his majesty that Mr Hampden, and the rest who lay under the burthen of that accusation, might enjoy the just priviledges of parliament." "So from this day," says Clarendon, "we may reasonably date the levying of war in England, whatsoever hath been since done, being the superstructures upon those foundations which were then laid."—Clarendon, I. 300.

Sheweth,

That whereas, for many yeers past, we have been under very great pressures, (which are cleerly set forth in the late remonstrance of the house of commons,) the redresse thereof, which hath for a long time been by you endeavoured, with unwearied paines, though not with answerable successe, having still your endeavours frustrated or retarded, and we deprived of the fruit thereof, by a malignant faction of popish lords, bishops, and others; and now, of late, to take from us all that little hope was left of a future reformation, the very being of the parliament shaken, and, by the mischievous practises of most wicked counsellors, the priviledges thereof broken, in an unexampled manner, and the members thereof unassured of their lives, in whose safety the safety of us and our posterity is involved;—we held it our duty, according to our late protestation, to defend and maintaine the same persons and priviledges, to the utmost expence of our lives and estates.

To which purpose we are now come to make the humble tender of our service, and remaine in expectation of your command and order, to the execution whereof we shall, with all alacrity, addresse ourselves, ready to live by you, or to die at your feet, against whomsoever shall in any sort illegally attempt upon you.

May it therefore please this honourable assembly to assist the ardent prayer of your poore petitioners, that popish lords and bishops may be forthwith outed the house of peeres; that all privileges of parliament, (yours and our posterities inheritance,) may be confirmed to you; and that all evill counsellors, the Achans of this common-wealth, may be given up to the hand of justice; without all which, your petitioners have not the least hope of Israels peace, or to reap those glorious advantages which the fourteene moneths seed-time of your unparalleled endeavours hath given to their unsatisfied expectations.

So your petitioners will be bound to pray, &c.

To the Honorable the Knights, Citizens, and Burgesses of the Commons, assembled in Parliament, the humble Petition of the Marriners and Sea-men, Inhabitants in and about the Ports of London, and the River of Thames.

" At this time, divers mariners and seamen came to the committee, and, with a petition, signed by a thousand hands, tendered their service to guard the committee by water to Westminster; which was accepted of by the committee, and ordered that they should provide such artillery as was necessary, on Tuesday morning, and to rendezvous so as to go through bridge with the tide; and that all great guns and muskets in their vessels should be cleared before-hand, to the end there might be no shooting that day, except in case of great necessity: and the mariners and seamen declared they would readily perform what was proposed for the safety of the king and parliament, and in pursuance of their protestation."—Rushworth, IV. 483.

Shewing,

That they, with all submisse acknowledgment, do conjoyne with the citizens and common counsell-men of London, in the petition lately presented to this honourable assembly, in their hearty thankfulnesse for the great paines and care taken by you in seeking out the roote and remedies of those monstrous evils of late happening to both church and common-wealth; which, although it hath not taken that full effect which was by you desired, yet your endeavours was not thereby lessened, nor are any way (we hope) discouraged.

As the pressures of the kingdome are many, so are they weighty, and at large expressed in your late remonstrance; amongst which, as those your petitioners are most sensible of, (and they, their wives and children, too heavily feele the burthen of,) is the decay of trade, and lying still of the ships, which hath occasioned many seamen to leave this land, and seeke employment in other countries, men being at such a straight, that they durst not adventure their ships nor estates in forraigne parts, in regard things are not as yet setled, neither in England nor Ireland, and that the papists remaine as stout, strong, and insolent, as formerly, which, under favour, they conceive to arise by reason of the continuance of the vote of the popish lords and bishops in the house of peeres; your petitioners having had sad experience, by their travels in forreigne parts, what evils and miseries that religion and men of those spirits have brought forth, which doth justly occasion your petitioners utterly to abominate and abhorre their religion and most unjust practises.

From which grounds the petitioners cannot omit to represent unto you the great terrors, and feares, and distractions that they lie under, of a sudden surprise by their bloudy hands, by meanes whereof the trading of the city and kingdome is much more of late decayed then it hath beene for many yeares past; no man following his trade cheerfully, whilest the lives of himselfe and family, and the publique safety of the kingdome are in jeopardy, and whiles he knoweth not how soone they may feele the like cruelty and inhumanity from the papists, and their adherents, as those in Ireland have done; which, if ever it shall happen, this honorable assembly must expect to have a deepe share in the malice and cruelty, against whom they have already, by themselves and their abettors, endeavoured to raise a disrespect in the hearts of the people, to divide between the kings majesty and the parliament.

To the end, therefore, that the destructive plots of the papists and their adherents may be defeated, the ground of their hopes and insolences removed, considerable forces with expedition sent to subdue those abominable and bloudy rebels in Ireland, the petitioners freed from their feares, incouraged in their calling, and in due time obtaine their wonted employments and traffique, the want whereof causeth the whole land to mourne,—

It is humbly prayed, that you will vouchsafe to be a meanes to the kings majesty, and house of peeres, that life may be given to your good endeavours, by their concurrence with you in the punishment of delinquents, and redressing the pressures and grievances in the church and common-wealth; and for the better effecting hereof, that the popish lords and bishops may be removed out of the house of peeres, as was desired in the presence of divers of this honorable assembly, by the representative body of the city of London, in Guild-hall.

And the petitioners, who wel know that their own safeties are wrapt up in yours, shall not faile to put up dayly prayers to Almighty God for your good successe, and maintaine and defend, to the utmost hazard of their lives and estates, according to the late protestation, the kings majesty and high court of parliament, against all wicked councels and malignant opposers, or that endeavour, by secret plots, or open force, to prejudice the one or the other, and to make division between his majesty and the par-

liament, whom God, and the lives of the commons, have united into so neere a relation. And it is not unknown unto your honours, that, upon any forraigne invasion, or enterprises, your petitioners estates and lives must be formost.

And your petitioners shall ever pray, &c.

This petition was subscribed by many thousands, and presented to the committee of the honourable house of commons, at Grocers-hall, 8th January, 1641.

Mr Pymme his Speech and Protestation in Parliament, on Friday, the Fourteenth of January, concerning his Innocency touching the Articles of High Treason exhibited against himselfe and the other Gentlemen accused upon the same; with his humble Motion to the House, to move the Lords to joyne with him in Petitioning his Majesty, that he may know his Accusers, against whom he may have liberty to vindicate his Reputation.

This speech was preparatory to turning the chace upon those counsellors by whose advice the king had proceeded in his rash accusation of the members. Neither were the commons slow in following up the vengeance which these threats foreboded. Sir Edward Herbert, the king's attorney-general, fell first under their lash.

Master Speaker,

I AM now come to speake againe to these articles of high treason exhibited against me and the other gentlemen with my selfe accused. Although, as I conceive, I have already sufficiently cleared my owne innocency concerning the same, yet, in respect it is not so conceived by them by whom I am to be tryed, which is a select number of noble peers and worthy members of this honourable house, I humbly crave leave to speake something more touching the same, and then leave my selfe and actions to the righteous judgement of those by whom I am to have my tryall, and receive sentence.

Mr Speaker, it is to me strange and very hard to be accused of treason illegally, and not proceeded against upon the same by any charge to prove the articles, but onely accused and brought to tryall onely upon the same. It is the course of the parliaments of England, when any is by them accused of any crime, to proceed against such by charge, in which they legally prove their accusation by witnesses and perspicuous circumstances, making them manifest, by the same, their guiltinesse of such crimes layd to their charge; and to this charge is permitted the accused person legally to answer the same, (except it be matter of fact punctually against him,) by examination of witnesses on his part, to defend his case, and cleare his innocency. If this be the ordinary way of parliamentary proceedings against persons accused by them for any whatsoever treason or otherwise, then is this accusation not seconded and maintained by a

lawfull charge, but onely preferred and prosecuted without such legall way, I conceive, under favour of this house, contrary to the proceedings of parliament.

These six honourable personages, Mr Speaker, the earle of Essex, Holland, Pembrooke, Salisbury, Lord Say, and the lord-keeper, joyn'd with as many of the worthy members of this honourable house, to whom it hath pleased his majesty, of his princely goodnesse, to refer our cause for finall determination and sentence, I doubt not but they are of that wisdome and judgement, that nothing is to be expected from them but justice, to whom I doe, with all my heart, submit my selfe and cause. I know the integrity and loyalty of my owne hearte towards my gracious soveraigne and country, against whom I have not had the least thought of intending any evill, much lesse have beene an instrument to commit any designe tending to the damage or dishonour of either, but far from my indeavours to practise any thing against the fundamentall lawes of this kingdome, to bring in arbitrary government, or the like, but have alwayes, to the uttermost of my power, God is my witnesse, strived and laboured, with my best judgement and understanding, to defend the lawes of this land, the rights and lawfull liberties of the subjects, the royall power and prerogative of his sacred majesty, parliaments, and the ancient rights and priviledges thereof; to appease differences and divisions; to settle peace and unity betweene his majesties kingdomes; to bring to deserved punishment the incendiaries in the same; to settle true religion in the state, according to the purity of the sacred word of God; to purge out the corruption, by innovation of superstitious ceremonies and strange worshipping, introduced into the same: in all these things agreeing with the whole parliament. Then, Mr Speaker, can I not conceive in what I should be criminous; in what I should be treacherous, either to king or common-wealth. And these, my actions, I desire to defend, be it to the losse of life or fortunes.

To which purpose, I desire, Mr Speaker, I may have liberty to protest against all such as shall oppose these my proceedings, or any wayes accuse or impeach me for the same, and against these articles upon which I am now impeached.

And to that end, I, John Pym, esquire, one of the members of the high court of parliament, commanded to sit in the same by the royall power and prerogative of my lawfull and undoubted soveraigne, and elected and chosen by free consent, and sent hither to serve both king and country, doe, in the presence of Almighty God, protest and vow, to the uttermost of my power, with the losse of life and fortunes, if it shall please God to call me thereunto, to defend and maintaine the lawfull power and prerogative of the king, the fundamentall lawes of this kingdome, the just rights and lawfull liberties of the subject, the honour and dignity, power and jurisdiction of his majesty, and his high court of parliament, and the rights and priviledges thereof; true religion, according to the word of God; and to indeavour, to the uttermost of my power, to bring to deserved punishment all infringers of the priviledges of parliament, all incendiaries of division and dissention betweene the two kingdomes of England and Scotland, and all other delinquents in this state, that have beene causers of oppressions, injustices, and tyranny over his majesties liege people; and, by this my protestation, doe vow to defend and maintaine mine owne innocency and integrity, in all my actions, ever since my sitting in this house, as a member thereof, against any person or persons whatsoever, that have caused and procured the same to be called in question, and me to be accused as criminous therefore.

And now, Mr Speaker, having, I hope, sufficiently given satisfaction to this honorable house of my innocency concerning these articles, my motion is, that this house would be pleased to move the lords, on my behalfe, to joyne with them in petitioning his majesty that he would be pleased to make known my accusers, that I may vindicate my selfe and reputation against them, concerning this my accusation.

Sir Philip Stapleton his worthy Speech in the House of Commons, in Parliament, January 15, 1641, concerning the Accusation of the Lord Digby and Colonell Lunsford of High Treason.

" Information was given to the house of commons, that the Lord Digby, with Colonel Lunsford and other disbanded officers and reformadoes, have, with troops of horse, appeared in a warlike manner at Kingston, in Surrey, where the magazine of arms for that part of the county lies, to the terror of his majestie's subjects ; and that, 'tis given out, they were to go to Portsmouth. A committee was appointed to consider of this information, who reported, That there were about two hundred men there that are officers, and that the town is full of horses ; that they have pistols, and carry themselves in a disorderly manner, to the terror of the people ; that my Lord Digby was there on horseback, with pistols ; that Colonel Lunsford and two others of that name were there also ; and that there was two cart-loads of ammunition going to them. Whereupon there passed, the next day, the following order :—

" Whereupon information hath been given to the parliament, that the Lord Digby, son to the Earl of Bristol, and Colonel Lunsford, with others, have gathered troops of horse, and have appeared in a warlike manner at Kingston-upon-Thames, in the county of Surrey, where the magazine of arms for that part of the county lies, to the terror and affright of his majesty's good subjects, and disturbance of the publick weal of the kingdom,—it is this day ordered, by the lords and commons in parliament, that the sheriffs of the several counties of England and Wales, calling to their assistance the justices of the peace, and the trained bands of those several counties, or so many of them as shall be necessary for the said service, shall suppress all unlawful assemblies, gathered together to the disturbance of the publick peace of the kingdom, in their several counties respectively, and that they take care to secure the said counties, and all the magazines in them.

" Ordered, by the lords in parliament, that this order be printed and published in all the market towns in this kingdom.

JOHN BROWNE, Cler. Parliament."

This levying of war amounted only to a meeting of various officers, attached to the king, at Kingston, to whom Lord Digby came in *a coach with six horses*, no very warlike equipage, and after long conference, returned to Hampton-court. Lunsford was apprehended, and committed to the Tower, and Lord Digby found it prudent to fly into Holland.

Mr Speaker,

IT is the continuall practice of the divell, after any of his workes of darknesse and maliciousnesse, intended against God and his Christ, is discovered and annihilated, by the speciall power of Divine Providence, to practice new, being alwaies striving to encrease his owne kingdome, alwaies winning to himselfe fresh instruments to yeeld to his suggestions and temptations, and execute the same.

I am now to speake concerning this new trechery and conspiracy, endeavoured to be practised by two eminent persons, that have, especially the one of them, obtained the favour, not onely of their prince, but applauded for their better parts by most of his majesties subjects,—the Lord Digby and Colonel Lunsford : the first had the honour to sit in this house, a member thereof; so well approved was he, both of his king and coun-

try; none more fervent against evill doers, at the first, then himselfe seemed to be, both by his speeches and disputes, but in heart alwayes, as it seemes, favouring the bishops and their cause, although it seemed but a little, yet increasing dayly more and more, grew to such strength in his opinion concerning his own worth, that he adventured to take part with the Earle of Strafford, trusting too much on the same; so high is pride, that at length he presumed to oppose and set himselfe against the proceedings of the whole house against the said earle, obstinately refusing to be admonished concerning the same; and yet keeping his friends, many of the lords, was, by his majesty, as a baron, called to their house; and aspiring yet higher, obtained his princes favour, not being yet acquainted with his secret intentions; by which meanes, too confident of his safety and security in his designe, adventured openly to comply with the publique enemies both of king and country, as especially now with this other person of whom I am to speake. This colonell,[1] being, by his majesty, advanced to that dignity and trust, could not so content himselfe, but immitating the water toade, seeing the shaddowe of a horse seem bigger then it selfe, sweld, to compare with the same, and so burst; even so this gentleman, having obtained, first this place of command, and afterwards lieutenant of the Tower, and being found of such a malignant spirit, that he was unfit and uncapable for that great place of trust, and therefore removed, taking the same a great dishonour to his worth, now endeavours, by trayterous and desperate actions, to defend himselfe, and be revenged of his pretended adversaries; and to that purpose they have betweene them joyntly raysed armes against the state, met together in peaceable consultations for the good of church and common-wealth.

Mr Speaker, these attempts made by these persons are of dangerous consequence; and this their insurrection, by taking up armes, without warrant, both from his royall majesty and this high court of parliament, onely to doe mischiefe, in raising sedition and contention, thereby to preserve themselves from being called to an account for their desperate actions and disloyall taking up armes, will prove harder to appease and suppresse, then any troubles we have yet suffered.

Mr Speaker, I conceive quick dispatch in our intentions, for the apprehending and suppressing these persons, is the onely meanes to prevent future danger; and to that purpose I desire to present to your considerations these particulars:---

1. That warrants may issue forth for the speedy and private apprehending of them, in what places soever they shall be found, and immediately to bring them before the house.

2. If this cannot be effected, to issue forth proclamations for their calling in within a certaine time prefixed, under penalty of being prosecuted, and proceeded against as traytors to their king and country.

3. That warrants be forthwith sent for the guarding and securing of all the ports

[1] Colonel or Sir Thomas Lunsford, a gentleman of an ancient family, but of decayed fortune, indifferent morals, and desperate character. Upon the recommendation of Lord Digby, he was most injudiciously appointed lieutenant of the Tower, in the room of Sir William Balfour, who was attached to the parliament. The king was almost instantly obliged to recal so unpopular an appointment, and to name Sir John Byron in Lunsford's stead. After this, Lunsford distinguished himself by his activity in the broils which took place between the citizens, who came down to Westminster, under pretence of petitioning parliament, and the cavaliers, or royalists. He wounded several of the former with his own hand, and so became, in all respects, the most unpopular character of the day. excepting, perhaps, his patron, Lord Digby. There was a caricature print, in which he was represented eating a child cut into steaks. See Cleaveland's RUPERTISMUS. Butler also says, that the preachers

> Made children, with their tones, to run for't,
> As bad as Bloody-bones, or Lunsford.

Colonel Lunsford was killed at the taking of Bristol by the king, in 1643.

of this kingdome, and for the intercepting of all packets or letters intended to be conveigh'd into forraign kingdomes, or any brought from thence hither.

4. That order be sent downe into the severall counties of this kingdome, where it is suspected either of these persons have any friends or favorites, well-wishers to their cause, with command to the sheriffes, and severall officers of such counties, to stand upon their guard, and to rayse force for their owne defence and safety, and to endeavour, by all meanes possible, to apprehend and suppresse them, and such of their conspiracy as shall be taken, presently to be sent up to this house, to be examined and prosecuted, according as they shall be found.

5. That order may be made by the parliament, that no officer that shall be found to have a hand in this plot may be imployed in any service of publique command, either for Ireland or any other of his majestie's dominions, or any private affaires of this kingdome.

6. That we may, without further delay, proceed to sentence against all delinquents by this honorable house accused for any crime whatsoever, in whose defence, or for whose cause, these persons now accused pretend to take up armes.

7. That his majesty may be moved graciously to be pleased to declare himselfe against these persons, and all others that doe any wayes pretend to his authority or warrant for what they doe.

8. And lastly, his majesty may be moved to avert his intended journey for Portsmouth, for the safety and security of his royall person, till such time as their dangers be removed, and the peace and unity of all his majestie's loyall subjects be procured and setled.

And thus, Mr Speaker, having presented such things to this house which I humbly conceive to be necessary to suppresse and prevent this new danger threatned by these two disaffected and malecontented persons, the lord Digby and Colonell Lunsford, I leave the same to the further consideration of this honourable house, desiring, from my heart, that it would please God to end all the troubles and distempers of this commonwealth, and that this high court of parliament may prove the firme settlement of all things amisse, both in church and state.

Mr Glyn his Speech in Parliament, upon the reading the Accusation of the House of Commons against Mr Herbert, the King's Attorney, for advising and drawing the Accusation of High Treason against the Six Worthy Members of the House of Commons; February 18, 1641.

This is a continuation of the proceedings of the commons in resentment of the accusation of the members. Sir Edward Herbert, the king's attorney, was examined, "Whether he did contrive, frame, or advise, the articles of impeachment against the members that were accused? Whether he knew the truth of them, upon his own knowledge, or by information? Whether he would undertake to make them good, when he should be thereunto called? From whom he received them; and by whose direction and advice he did exhibit them? Whether he had any testimony or proof of them before the exhibiting? And, having received his answer, that he had neither framed nor advised them, nor knew any thing of the truth of them, nor could undertake to justify them, but that he had received them from the king, and was, by him, commanded to exhibit them, they presently declared, that he had broken the privilege of parliament, in prefer-

ring those articles; and that the same was illegal, and he criminal, for so doing; and that a charge should be sent to the lords, in the name of the house of commons, against the attorney-general, to have satisfaction for the great scandal and injury to the members thereof, unless he did, within five days, bring in his proof, and make good the articles against them."—CLARENDON, I. 302.

Mr Speaker,

THE subtilty and policy of man corrupted, and, for evill actions, in danger of punishment, is alwayes working, although by the destruction of the vertuous and innocent, to free and cleere himselfe. The actions and indeavors of the good man and the bad are alwayes opposite: The good man practiseth to defend vertue and piety, bring to deserved punishment the vitious and malignant out of duty to God, his king, and country; the wicked man strives to defend himselfe and vices, to the dishonour of God, the destruction of his true religion, of his king and country, if opposite to his designes. We have had the experience of the evils and great troubles that have been raised in this state by ill instruments, men of power and authority in the same; and not onely of open and publicke misdoers, but of private disaffected spirits, whose outward carriage hath procured to themselves great esteeme and respect in their countrey; nay, so well have they been approved of, that their countrey hath intrusted them with their estates and priviledges, as electing them members of this high court of parliament, wherein also, for a long time, they have discharged their duties to their king and countrey, nay, and obtained the general estimation and respect of all men, as worthy members of the common-wealth; but their hearts agreeing not with their outward carriage, being not upright and perfect, have at last shewed themselves in their owne colours, and brought to themselves shame and dishonour.

This gentleman now accused by this honourable house had the honour to be a member of the parliament, and so well esteemed by his majesty, that hee was entertained his attorney-generall; which, had he beene contented withall, and not been ambitious or malicious; which of the two I am not able to distinguish was his errour, or whether he is guilty of both: however, it is cleare, his heart was not right in discharging his duty in that great place committed to him; and, as he was a member of the parliament, had he been faithfull to his king and countrey, he would never have undertaken this enterprise, to presume to advise his majesty to accuse the members of this house of high treason, and draw himselfe their accusation.

Mr Speaker, his offence is of a high nature, of dangerous consequence, a manifest breach of the priviledges of parliament, an apparent treachery against the persons of those worthy members, and consequently an offence against the whole state, deserving great punishment for the same.

By this, he hath made himselfe guilty of the same misdemeanours that other delinquents are impeached and accused for, not inferiour to them in this crime. This his practice and designe was a great offence against his sacred majesty himselfe, in seeking to worke an evill opinion in his majesty of his parliament, and their proceedings in the great affaires both of church and state: this discouraged and disheartned the parliament to proceed in any businesse for the good and honour of their king and countrey, when they perceive that all their endeavours and dutifull actions are not well accepted by his majesty, but ill thought of: this might prove a cause to alienate the hearts of king and people one from another: this hath caused all the trouble and distraction in this state,—ill counsell.

Mr Speaker, I humbly desire that this accusation may be perfected, and that we may proceed to voting him upon the same, as by this honourable house hee shall be found guilty; and with all convenient expedition, that may be presented to the lords, and that wee may proceed, with cheerfulnesse, to settle all disorders in this kingdome, both in church and state; redresse all grievances of his majestie's good subjects; expedite our indeavors for a timely reliefe of Ireland; and bring all delinquents in this common-wealth to deserved punishment, for their many misdemeanours, and dangerous crimes, by them committed; and the establishing such a forme of government and discipline ecclesiasticall in the church, for the true worshipping of God, as may be agreeable to his word and verity.

Master Hollis his Speech in Parliament, the 21st of March, 1642; wherein is contained his Declaration concerning the King's Atturney-Generall, for his Abuse given to the House of Commons, in the Accusation of High Treason against the sixe Members of the House: as also, his Advise concerning the last Commands issued from the said House; with his Arguments against Master Harbert, his Majestie's Atturney-Generall, for drawing the Articles of High Treason against Himselfe and the other fwe Members of the said House.

Master Speaker, the subtlety policy, and dubious wayes bearing rule in a man corrupted, whose evill actions come within the compasse, and justly claim the reward of exemplary punishment, is alwayes working, although by the destruction and utter delabition of the vertuous and innocent, (whose words and works, actions and endeavours, can be termed to lay holds on nothing but realties,) to cleer himself: the actions, conditions, and endeavours of the good man being alwayes the contrary; there being no vicissitude or coherence with them, in respect they are meer opposites; the one seeking to performe his duty both to God and man, through his true dealing for the truth; the other seeking what in him lyeth for the advancing of impiety; the good man joyning with his practise his daily labours for the defence of vertuous and pious designes; thereby seeking, with vigilancy, to bring the malignant persons to deserved punishments; it being a work which, in conscience, is due both to God, his king, and country.

First, to God, in respect of religion, and the true and reall faith we now professe in the church of England, without which we are nothing, being no lesse than meer atomes to the world, and the just antipothes to a ground faith. No faith can stand without that true foundation of Christ; no grounds of salvation can be had but by and through those extraordinary merits and sufferings which we are partakers of in Christ. If so, then does our Saviour daily suffer, in the instigations and quotidiall provocations against him; all which are violated by those (who are many) malignants to the truth.

Secondly, to the king. What greater abuse can there be to his sacred majesty, then, by the continual sufferance the subject endures, through the ill counsell administred to our soveraign, being done under the colour of loyalty, yet it proving in matter no better then flat abuses to this whole kingdom?

Thirdly, if that God and the king so much suffer by the aforesaid means, the poor subject and country can do no lesse; witnesse the daily disturbances which are now a dayes, being so many, that there is no county almost, within this his majestie's dominions, but hath delivered their humble petitions to this honourable assembly, for removall of the said grievances, and the depriving of the aforesaid persons of their usurped authority.

Master Speaker, it is palpable enough, that the wicked man cares not though he dishonours God in the highest degree, may he but defend himselfe and vices, though to the utter abolishing of religion, king, and countrey, (as aforesaid,) if opposite to his designes.

Wee have had the experience of the evils and great troubles that have beene raised in this state by ill instruments, men in power and authority in the same, and not onely of publique misdoers and open enemies, but also of many private disaffected spirits, whose outward carriage hath procured to themselves great esteem and respect in their county; nay, so well have they been approved on, that their countrey hath not misled them with both their estates and priviledges, as electing them members of this high court of parliament; wherein, also, for a long time, they have discharged their duties to their king and countrey, nay, and attained the generall estimation and respect of all men, as worthy members of the common-wealth; but their hearts disagreeing with their outward qualities, being not upright and perfect, have at last shewed themselves in their perfect colours, and brought themselves to shame and dishonour.

Master Speaker, I have hitherto spoken of nothing but generalls; now I intend to insist upon a particular, being the gentleman who as yet stands accused by this honourable house,—his majestie's atturney-generall, who hath been a man upon whom all these honours afore-named have been conferred in the parliament, and no lesse esteemed by his majesty; his place therein being sufficiently honourable, he needed not to have proceeded so farre as to prove ambitious or malitious; which of the two I cannot nominate, nor am able to distinguish, was his errour, or whether he is guilty of both: however, it does appear his heart was not right in discharging his duty in that great place committed to him; and, as he was a member of the parliament, had he been faithfull to his king and country, he had never undertaken this enterprise, to accuse us of treason, and draw the accusation against us himself; for which we have already, and further are bound to answer.

Master Speaker, his offence is of a high nature, of dangerous consequence, a manifest breach of the priviledges of parliament, an apparent treachery (if found to rely upon him) against those accused members, of which I am the least, yet moved to speak in the cause: the offence is generally against the whole state, deserving great punishment for the same.

By this, he hath made himself guilty of those misdemeanours that other delinquents have been impeached and accused for, and nothing inferiour to them in their crime. This designe was a great offence (if by him advised) against his sacred majesty himself, in seeking to work an evill opinion in him concerning his parliament, and their proceedings in the great affaires of both church and state. This is the matter that discourages this honourable assembly in proceeding in such businesses as may be for the honour of their king and country, when they perceive that all their endeavours and dutifull actions are not well accepted by his majesty: this, and such like ill councells, hath caused all this distraction in the state.

Master Speaker, the charge is apparent against him, the accusation is apparent before, (as though voyde;) therefore I, in behalfe of the rest of the members, most humbly desire you would proceed to voting him upon the same, as he shall be found guilty, and his reward may be contributed for the same. I, for my part, have performed my promise to those other members accused, in moving you in the businesse; to whose consideration I now leave it, as being best able to determine of a matter of so great weight.'

[1] Accordingly the following sentence was pronounced upon Herbert, by the house of lords:—"Whereas Sir Edward Herbert, knight, his majesty's attorney-general, hath been impeached by the knights, citizens, and burgesses of the house of commons, for the advising, contriving, and publishing, certain false, scandalous, and malicious articles of high treason against the lord Kimbolton, one of the members of the house of peers, Sir Ar-

Master Grimstons Argument concerning Bishops; with Mr Seldens Answer: also, severall Orders newly made in Parliament, concerning Church Government.

1. That bishops are *jure divino*, is a question.
2. That arch-bishops are not *jure divino*, is out of question.
3. That ministers are *jure divino*, there is no question.

Now, if bishops, which are questioned whether *jure divino*, and arch-bishops, which, out of question, are not *jure divino*, should suspend ministers, that are *jure divino*, I leave it to you, Master Speaker.

Master Seldens Answer.

1. That the convocation is *jure divino*, is a question.
2. That parliaments are not *jure divino*, is out of question.
3. That religion is *jure divino*, there is no question.

Now, Master Speaker, that the convocation, which is questioned whether *jure divino*, and parliaments, which, out of question, are not *jure divino*, should meddle with religion, which, questionlesse, is *jure divino*, I leave to you, Master Speaker.

Master Grimstons Reply.

But arch-bishops are no bishops.

Master Seldens Answer.

That's no otherwise true, then that the judges are not lawyers, and aldermen are not citizens.

Severall Orders concerning Church Government.

1. Every severall shiere of England and Wales to be a severall circute or diocesse for the ecclesiastick jurisdiction, excepting Yorkshiere, which is to be divided into three.
2. A constant presbitry, of twelve choyce divines, to bee selected in every shiere or diocesse.

thur Haslerig, knight, Denzil Hollis, Esq., John Pym, John Hampden, and William Strode, esquires, being then, and yet members of the house of commons; and for causing articles of high treason to be entered into the clerk's book of the said house of peers, which was done against the priviledges of parliament, tending to the subversion of the ancient rights and being of parliaments, and against the liberty of the subject, and contrary to his oath, and the laws of this realm,—

"The lords, having taken the said charge into due consideration, do find him guilty of the exhibiting the said articles into the house of peers, and causing the same to be entered into the clerk's book of the said house, intending thereby, falsely, unlawfully, and maliciously, to deprive the said houses of the said several members; all which doings were and are high breaches of the priviledges of parliament, tending to the subversion of the ancient rights and being of parliaments, and contrary to the liberty of the subject, and are of great scandal of his majesty, and of his government, and against the laws of this realm. For which offences, this high court doth award and adjudge,—

"1. That Sir Edward Herbert, his majesty's attorney-general, is, by sentence of this house, disabled and made uncapable of being a member, assistant, or pleader in either house of parliament, and of all offices, saving that of attorney-general, which he now holds.

"2. That Mr Attorney-General shall be forthwith committed to the prison of the Fleet, during the pleasure of this house."—RUSHWORTH, IV. 493.

3. A constant president to bee established as a bishop over this presbitry.

4. This bishop, in each diocesse, to ordaine, suspend, deprive, degrade, and excommunicate, by and with the consent and assistance of seaven divines of his presbitry, then present, and not else.

5. The times of ordination, throughout the land, to be foure times in the yeare, viz. 1st May, 1st August, 1st November, 1st February.

6. Every bishop constantly to reside within his diocesse, in some one prime or chiefe city or towne within his diocesse, as in particular.

7. Every bishop to have one speciall particular congregation, to be chosen out of the most convenient place for distance from his chief residence, and the richest in valew that may be had, where he shall duely preach, unlesse he be lawfully hindred, and then shall take care his cure be well supplyed by another.

8. No bishop shall remove, or bee translated from the bishopricke which hee shall first undertake.

9. Upon every death, or other avoydance of a bishop, the king to grant a *congé de eleire* to the whole clergy of the whole diocesse, and they to present three of the presbitry aforesaid, and the king to choose and nominate whom he pleaseth of them.

10. The first presbiters of every shiere to be named by the parliament, and afterwards, upon the death or other avoydance of any presbiter, the remaining presbiters to choose one other out of parish ministers of that shiere; and this to bee done within one moneth next after such death or avoydance.

11. No bishop or clergy-man to exercise or have any temporall office, or seculer imployment, but onely for the present to hold and keepe the probat of wills, untill the parliament shall otherwise resolve.

12. The bishop, once a yeare, (at Midsomer,) to summon a diocesan synod, there to heare and (by generall vote) to determine all such matters of scandall, in life and doctrines, amongst clergy-men, as shall be presented unto them.

13. Every three yeares a nationall synod to bee, which (for persons) shall consist of all the bishops in the land, and of two presbiters, to bee chosen by the rest out of each presbitry, and of two clerkes, to be chosen out of every diocesse by the clergy thereof.

14. This nationall synod to make and ordaine cannons for the government of the church, but they not to bind untill they bee confirmed by parliament.

15. Every bishop to have, over and above the benefice aforesaid, a certaine constant rent allowed and allotted, proportionall to the diocesse wherein hee is to officiate; that is to say,

16. Every presbiter to have a constant yearely profit above his benefice.

As for the revenew of the bishops, deanes, and chapters, &c., a strict survey to be taken of all their rents and profits, and the same to bee represented at the beginning of our next convencion; and, in the mean time, no lease to be renewed, nor timber to be felled.

The Petition of the Lords and Commons, in Parliament, delivered to his Majesty the 16th day of July; with his Majesties Answer thereunto.

Charles Rex.

Our expresse pleasure is,—that this petition of the lords and commons, with our answer thereunto, be read in all churches and chappels within the kingdom of England and dominion of Wales, by the parsons, vicars, or curates of the same; with the votes *Die Martis*, 12 *Julii*, 1642.

The ominous crisis of civil war was now impending, but each party displayed an anxiety to gain the advantage, in the public estimation, of having been the last to draw the sword. The house of commons, while they past the votes printed at the end of this tract, coupled their ordinances for levying an army, and standing by their general, the Earl of Essex, to life or death, with an humble petition to the king, to discontinue his military preparations, and reunite himself to his parliament, accompanied with offers of accommodation, on their own part, rather too general to produce much effect. They hastened the dispatching this petition, because they had determined that it should be the only answer they would return to a message which the king had dispatched to them from Beverley, announcing the rebellion of Sir John Hotham, and the other hostile acts of which he complained, and declaring his intention of reducing the place by force. "The Earl of Holland, Sir John Holland, and Sir Philip Stapleton, being the committee appointed for the same, made a speedy journey to Beverley, and arrived in the same minute that the king came thither from Lincoln; so that his majesty no sooner heard of the raising an army, and declaring a general against him, but he was encountered with the messengers for peace; who reported to all whom they met, and with whom they conversed, that they had brought so absolute a submission from the parliament to the king, that there could be no doubt of a firm and happy peace: and when the earl of Holland presented the petition, he first made a short speech to the king,—'That the glorious motto of his blessed father King James was *Beati Pacifici*, which he hoped his majesty would continue; that they presented him with the humble duty of his two houses of parliament, who desired nothing from him but his consent and acceptance of peace; they aiming at nothing but his majesty's honour and happiness:' and then read their message aloud, in these words."—Clarendon, I. 529.

To the Kings most excellent Majestie,

The humble Petition of the Lords and Commons, assembled in Parliament.

May it please your majestie,

Although we, your majesties most humble and faithfull subjects, the lords and commons in parliament assembled, have beene very unhappy in many former petitions and supplications to your majesty, wherein wee have represented our most dutifull affections, in advising and desiring those things which we held most necessary for the preservation of Gods true religion, your majesties safety and honour, and the peace of the kingdome, and, with much sorrow, doe perceive that your majestie, incenst by many false calumnies and slaunders, doth continue to raise forces against us and your other peaceable and loyall subjects, and to make great preparations for war, both in the

kingdom and from beyond the seas, and by armes and violence to over-rule the judgement and advice of your great councell, and by force to determine the questions there depending, concerning the government and liberty of the kingdom; yet such is our earnest desire of discharging our duty to your majesty and the kingdome, to preserve the peace thereof, and to prevent the miseries of civill warre amongst your subjects, that, notwithstanding we hold our selves bound to use all the means and power which, by the lawes and constitutions of this kingdome wee are trusted with, for defence and protection thereof, and of the subjects from force and violence, we do, in this our humble and loyall petition, prostrate our selves at your majesties feet, beseeching your royal majesty, that you will be pleased to forbeare and remove all preparations and actions of war, particularly the forces from about Hull, from Newcastle, Tynmouth, Lincoln, and Lincolnshire, and all other places; and that your majesty will recall the commissions of array, which are illegall; dismisse troops and extraordinary guards by you raised: That your majesty will come neerer to your parliament, and hearken to their faithfull advise and humble petitions, which shall onely tend to the defence and advancement of religion, your owne royall honour and safety, the preservation of our lawes and liberties; and we have been, and shall ever bee carefull to prevent and punish all tumults and seditious actions, speeches, and writings, which may give your majesty just cause of distast, or apprehension of danger, (from which publick aims and resolutions no sinister or private respect shal ever make us to decline): That your majesty wil leave delinquents to the due course of justice; and that nothing done or spoken in parliament, or by any person in pursuance of the command and directions of both houses of parliament, bee questioned any where but in parliament. And we, for our parts, shall be ready to lay down all those preparations which we have been forced to make for our defence. And for the town of Hull, and the ordinance concerning the militia, as we have, in both these particulars, onely sought the preservation of the peace of the kingdome, and the defence of the parliament from force and violence, so wee shall most willingly leave the town of Hull in the state it was before Sir J. Hotham drew any forces into it, delivering your majesties magazin into the Towre of London, and supplying whatsoever hath bin disposed by us for the service of the kingdom. We shall be ready to settle the militia by a bill, in such a way as shall be honorable and safe for your majesty, most agreeable to the dutie of parliament, and effectuall for the good of the kingdome; that the strength thereof be not imployed against it self, and that which ought to be for our securitie applied to our destruction; and that the parliament, and those who professe and desire still to preserve the protestant religion, both in this realme and in Ireland, may not be left naked, and indefensible to the mischievous designes and cruell attempts of those who are the profest and confederated enemies thereof, in your majesties dominions and other neighbour nations;—to which if your majesties courses and councels shall from henceforth concurre, wee doubt not but wee shall quickly make it appeare to the world, by the most eminent effects of love and duty, that your majesties personall safetie, your royall honour and greatnesse, are much deerer to us then our own lives and fortunes, which we do most heartily dedicate, and shall most willingly imploy for the support and maintenance thereof.

His Majesties Answer to the late Petition.

The tenour of this reply was thought, by some of the royalists, too severe and irritating. The Earl of Holland, in particular, took it upon him to undertake that satisfaction should be given to all his majesty's propositions, providing the offensive preamble were omitted, and his requests stated in soft and gentle language. But the king himself was, by this time, highly exasperated, and many of those whose prudence might have softened his displeasure, were themselves indignant at the terms of the petition. Sir Edward Hyde, also, afterwards the historian of the period, was fond of giving full latitude to the severity of his pen, and the drawing of the answer fell to his department. Sir Philip Warwick has some curious observations upon the peculiar style of this celebrated statesman.

"Hence it was, that his majestie's propositions, messages, replyes, and declarations, were so well answering unto the rules of the house, and the subject matters treated of, and found so much better acceptance with the world than those of the house of commons; which, for a time, was very advantageous to his majesties service; for it drew the curtaine, and made plain the deceitfulness and unwarrantable designs of the contrivers in parliament, and the reasonableness of his majesty's propositions. But I remember a wise lord, who had great influence on them all, would complain, that their wit and elegancy, as it was very delightfull, so it would not long last usefull; since contests betwixt a king and his houses of parliament could not be separated from ill consequences and pressures upon the rest of the subjects, in generall, in their common course of life; and that would beget rather a forwardness in men to see such things treated of with elegancy and irony, than any delight or complacence; and, therefore, he was wont to say, 'Our good pen will harm us.' I find Mr Hobbes hath made a reflection on this, in his late book of the civill warrs. And when this good lord perceived (as in that declaration at York) where the government, or the office of the king and that of the three estates, was set forth by a spirit of phansy and accommodation, as it rather wounded the regality than convinced the refractory, and was not grounded as low as the law laid it, but suited to the lighter learning and disposition of the times, there he would be often wishing rather for a blunt than too keen a nibb of a pen."
—Sir P. Warwick's *Memoirs*, p. 196—198.

Though his majesty had no great reason to believe that the directions sent to the earle of Warwick, to go to the river of Humber, with as many ships as he should think fit, for all possible assistance to Sir J. Hotham, (whilst his majesty expected the giving up of the town unto him,) and to carry away such armes from thence as his discretion thought fit to spare out of his majesties own magazine; the choosing a generall by both houses of parliament, for the defence of those who have obeyed their orders and commands, (be they never so extravagant and illegall;) their declaration that, in that case, they would live and die with the earle of Essex, their generall, (all which were voted the same day with this petition;) and the committing the lord-mayor of London to prison, for executing his majesties writs and lawfull commands, were but ill prologues to a petition, which might compose the miserable distractions of the kingdome; yet his majesties passionate desire of the peace of the kingdom, together with the preface of the presenters, that they had brought a petition full of duty and submission to his majesty, and which desired nothing of him but his consent to peace, (which his majesty conceived to be the language of both houses too,) begot a greedy hope and expectation in him, that this petition would have beene such an introduction

to peace, that it would at least have satisfied his message of the eleventh of this moneth, by delivering up Hull unto his majesty. But, to his unspeakable grief, his majesty hath too much cause to believe, that the end of some persons, by this petition, is not, in truth, to give any reall satisfaction to his majesty, but, by the specious pretences of making offers to him, to misleade and seduce his people, and lay some imputation upon him of denying what is fit to be granted; otherwise it would not have thrown those unjust reproaches and scandals upon his majesty, for making necessary and just defence for his own safety, and so peremptorily justified such actions against him, as by no rule of law or justice can admit the least colour of defence, and, after so many free and unlimited acts of grace passed by his majesty, without any condition, have proposed such things, which, in justice cannot be denied unto him, upon such conditions as in honour hee cannot grant. However, that all the world may see how willing his majesty would be to embrace any overture that might beget a right understanding between him and his two houses of parliament, (with whom he is sure he shall have no contention, when the private practises and subtile insinuations of some few malignant persons shall be discovered, which his majesty will take care shall be speedily done,) he hath with great care weighed the particulars of this petition, and returns this answer:—

That the petitioners were never unhappy in their petitions or supplications to his majesty, while they desired any thing which was necessary or convenient for the preservation of Gods true religion, his majesties safety and honour, and the peace of the kingdom; and therefore, when those generall envious foundations are layd, his majesty could wish some particular instances had been applyed. Let envy and malice object one particular proposition, for the preservation of Gods true religion, which his majestie hath refused to consent to: what himself hath often made for the ease of tender consciences, and for the advancement of the protestant religion, is notorious by many of his messages and declarations. What regard hath bin to his honour and safety, when hee hath been driven from some of his houses, and kept from other of his towns by force; and what care there hath been of the peace of this kingdome, when endeavour hath been used to put all his subjects in arms against him, is so evident, that his majesty is confident he cannot suffer by those generall imputations: tis enough that the world knows what hee hath granted, and what he hath denyed.

For his majesties raising forces, and making preparations for war, (whatsoever the petitioners, by the evil arts of the enemies to his majesties person and government, and by the calumnies and slanders raised against his majesty by them, are induced to believe,) all men may know, what is done that way is but in order to his owne defence. Let the petitioners remember, that (which all the world knows) his majesty was driven from his palace of White-hall for the safety of his life; that both houses of parliament, upon their own authority, raised a guard to themselves, (having gotten the command of all the train-bands of London to that purpose,) without the least colour or shadow of danger; that they usurped a power, by their pretended ordinance, (against all principles and elements of law,) over the whole militia of the kingdome, without and against his majesties consent; that they took possession of his town, fort, and magazine of Hull, and committed the same to Sir John Hotham, who shut the gates against his majesty, and, by force of arms, denied entrance thither to his own person; that they justified this act, which they had not directed, and took Sir John Hotham into their protection, for whatsoever he had done or should do against his majesty;—and all this whilst his majesty had no other attendance then his own menial servants. Upon this, the duty and affection of this county prompted his subjects here to provide a smal guard for his person; which was no sooner done, but a vote suddenly passed, of his majesties intention to leavy war against his parliament, (which God knows his heart abhorreth;) and, notwithstanding all his majesties professions, declarations, and protestations to the contrary, seconded by the cleer testimony of so great a number of peeres upon the place, propo-

sitions and orders for levies of men, horse, and armes were sent throughout the kingdom; plate and money brought in and received; horse and men raised towards an army mustered and under command: and all these contrary to the law, and to his majesties proclamation; and a declaration published, that if he should use force for the recovery of Hull, or suppressing the pretended ordinance for the militia, it should be held leavying war against the parliament: and all this done before his majesty granted any commission for the leavying or raising a man. His majesties ships were taken from him, and committed to the custody of the earle of Warwick, who presumes, under that power, to usurpe to himselfe the soveraignty of the sea, to chase, fright, and imprison such of his majesties good subjects as desire to obey his lawfull commands, although he had notice of the legall revocation of the earle of Northumberland his commission of admirall, whereby all power derived from that commission seized. Let all the world now judge who began this war, and upon whose accompt the miseries which may follow must be cast; what his majesty could have done lesse then he hath done; and whether hee were not compelled to make provision both for the defence of himselfe and recovery of what is so violently and injuriously taken from him; and whether these injuries and indignities are not just grounds for his majesties feares and apprehensions of farther mischief and danger to him. Whence the feares and jealousies of the petitioners have proceeded, hath never bin discovered: the dangers they have brought upon his good subjects are too evident; what those are they have prevented no man knows: and therefore his majesty cannot but look upon that charge as the boldest and the most scandalous hath been yet laid upon him,—"That this necessary provision, made for his own safety and defence, is to over-rule the judgment and advice of his great councell, and, by force, to determine the questions there depending concerning the government and liberty of the kingdome." If no other force had been raysed to determine those questions then by his majestie, this unhappy misunderstanding had not been. And his majesty no longer desires the blessing and protection of Almighty God upon himself and his posterity, then hee and they shall solemnly observe the due execution of the laws, in the defence of parliaments, and the just freedomes thereof.

For the forces about Hull, his majesty will remove them, when he hath attained the end for which they were brought thither. When Hull shall be reduced againe to his subjection, he will no longer have an army before it; and when he shall be assured that the same necessity and publick good which took Hull from him may not put a garrison into Newcastle, to keep the same against him, he will remove his from thence, and from Tinmouth; till when the example of Hull will not out of his memory.

For the commissions of array, which are legall, and are so proved by a declaration now in the presse, his majesty wonders why they should at this time be thought grievous, and fit to be recalled. If the fears of invasion and rebellion be so great, that, by an illegall pretended ordinance, tis necessary to put his subjects into a posture of defence, to array, train, and muster them, he knows not why the same should not be done in a regular known lawfull way: but if, in the execution of that commission, any thing shall be unlawfully imposed upon his subjects, his majesty will take all just and necessary care for their redresse.

For his majesties comming neerer to his parliament, his majestie hath expressed himselfe so fully in his severall messages, answers, and declarations, and so particularly avowed a reall feare of his safety, upon such instances as cannot be answered, that hee hath reason to take himselfe somewhat neglected, that since, upon so manifest reasons, 'tis not safe for his majesty to come to them, both his houses of parliament will not come neerer to his majesty, or to such a place where the freedome and dignity of parliament might be preserved. However, his majestie shall be very glad to heare of some such example in their punishing the tumults, (which he knowes not how to expect, when they have declared that they knew not of any tumults, though the house of peeres

desired, both for the dignity and freedom of parliament, that the house of commons would joyn with them in a declaration against tumults, which they refused, that is, neglected to doe,) and other seditious actions, speeches, and writings, as may take that apprehension of danger from him; though, when he remembers the particular complaints himselfe hath made of businesses of that nature, and that, insteed of inquiring out the authors, neglect of examination hath beene, when offer hath beene made to both houses to produce the authors, as in that treasonable paper concerning the militia; and when hee sees, every day, pamphlets published against his crowne, and against monarchy it selfe, as the observations upon his last messages, declarations, and expresses, and some declarations of their owne, which gives too great incouragement in that argument to ill affected persons;—his majestie cannot, with confidence, entertaine those hopes which would be most welcome to him.

For the leaving delinquents to the due course of justice, his majestie is most assured he hath been no shelter to any such. If the tediousnesse and delay in prosecution, the vast charge in officers fees, the keeping men under a general accusation, without tryall, a whole yeare, and more, and so allowing them no way for their defence and vindication, have frighted men away from so chargeable and uncertaine an attendance,—the remedie is best provided where the disease grew. If the law be the measure of delinquency, none such are within his majesties protection: but if by delinquents such are understood who are made so by vote, without any trespasse upon any knowne or established law; if by delinquents those nine lords are understood, who are made delinquents for obeying his majesties summons to come to him, after their stay there was neither safe nor honourable, by reason of the tumults and other violences, and whose impeachment, he is confident, is the greatest breach of priviledge that before this parliament was ever offer'd to the house of peeres; if by delinquents such are understood who refused to submit to the pretended ordinance of the militia, to that of the navy, or to any other which his majestie hath not consented to; such who, for the peace of the kingdome, in an humble manner prepare petitions to him, or to both houses, as his good subjects of London and Kent did, whilst seditious ones, as that of Essex and other places, are allowed and cherished; if, by delinquents such are understood who are called so for publishing his proclamations, (as the lord-mayor of London,) or for reading his messages and declarations, (as divers ministers about London and elsewhere,) when those against him are dispersed with all care and industry, to poyson and corrupt the loyalty and affections of his good people; if by delinquents such are understood who have, or shall lend his majestie money in the universities, or in any other places;—his majesty declares to all the world, that he will protect such with his utmost power and strength; and directs, that, in these cases, they submit not to any messengers or warrants; it being no lesse his duty to protect those who are innocent, then to bring the guilty to condigne punishment; of both which the law is to bee judge. And if both houses doe thinke fit to make a generall, and to rayse an army for defence of those who obey their orders and commands, his majesty must not sit still, and suffer such who submit to his just power, and are solicitous for the law of the land, to perish and bee undone, because they are called delinquents: and when they shall take upon them to dispence with the attendance of those who are called by his majesties writ, whilst they send them to sea, to rob his majestie of his ships, or into the severall counties, to put his subjects in armes against him, his majestie (who only hath it) will not lose the power to dispense with them to attend his owne person, or to execute such offices as are necessary for the preservation of himselfe and the kingdome, but must protect them, though they are called delinquents.

For the manner of the proceeding against delinquents, his majestie will proceed against those who have no priviledge of parliament, or in such cases where no priviledge is to be allowed, as he shall be advised by his learned councell, and according to

the knowne and unquestionable rules of the law; it being unreasonable that he should bee compelled to proceed against those who have violated the knowne and undoubted law, onely before them who have directed such violation.

Having said thus much to the particulars of the petition, though his majesty hath reason to complaine, that since the sending this petition, they have beaten their drummes for souldiers against him, arm'd their new generall with a power destructive to the law and liberty of the subjects, and chosen a generall of their horse,—his majestie, out of his princely love, tendernesse, and compassion of his people, and desire to preserve the peace of the kingdome, that the whole force and strength of it may be united for the defence of it selfe, and the reliefe of Ireland, (in whose behalfe he conjures both his houses of parliament, as they will answer the contrary to Almighty God, his majesty, to those that trust them, and to that bleeding miserable kingdome, that they suffer not any monys granted and collected by act of parliament to be diverted or imployed against his majestie, whilst his souldiers in that kingdome are ready to mutiny or perish for want of pay, and the barbarous rebels prevailed by that encouragement,) is graciously pleased once more to propose and require,——

That this towne of Hull be immediately delivered up to him, which being done, (though his majestie hath been provoked by unheard-of insolencies of Sir John Hotham, since his burning and drowning the country, in seizing his wine and other provisions for his house, and scornfully using his servant, whom he sent to require them, saying, it came to him by providence, and he will keepe it, and so refusing to deliver it, with threats, if he or any other of his fellow-servants should againe repaire to Hull about it, and in taking and deteyning prisoners divers gentlemen and others in their passage over the Humber into Lincolne-shire, about their necessary occasions, and such other indignities as all gentlemen must resent in his majesties behalfe,) his majestie, to shew his earnest desire of peace, (for which he will dispence with his owne honour,) and how farre he is from the desire of revenge, will grant a free and generall pardon to all persons within that towne.

That his majesties magazine taken from Hull be forthwith put into such hands as hee shall appoint.

That his navy be forthwith delivered into such hands as he hath directed for the government thereof; the detaining thereof, after his majesties directions published and received to the contrary, and employing his ships against him, in such manner as they are now used, being notorious high treason in the commanders of those ships.

That all armies, levies, and provisions for a warre, made by the consent of both houses, (by whose example his majestie hath beene forced to make some preparations,) be immediately laid downe, and the pretended ordinance for the militia, and all power of imposing lawes upon the subject without his majesties consent, be disavowed, without which the same pretence will remaine to produce the same mischiefes. All which his majestie may as lawfully demand, as to live, and can with no more justice be denyed him, then his life may be taken from him.

These being done, and the parliament adjourned to a safe and secure place, his majestie promises, in the presence of God, and binds himselfe by all his confidence and assurance in the affection of his people, that hee will instantly and most chearefully lay downe all the force he shall have raysed, and discharge all his future and intended levyes, that there may be a generall face of peace over the whole kingdome, and will repaire to them; and desires that all differences may bee freely debated in a parliamentary way, whereby the law may recover its due reverence, the subject his just liberty, and parliaments themselves their full vigour and estimation, and so the whole kingdome a blessed peace, quiet, and prosperity.

If these propositions shall be rejected, his majestie doubts not of the protection and assistance of Almighty God, and the ready concurrence of his good subjects, who can

have no hope left them of enjoying their owne long, if their king may be oppressed and spoyled, and must be remedilesse. And though his townes, his ships, his armes, and his money be gotten and taken from him, he hath a good cause left, and the hearts of his people, which, with Gods blessing, he doubts not will recover all the rest. Lastly, if the preservation of the protestant religion, the defence of the liberty and law of the kingdome, the dignity and freedome of parliament, and the recovery and the releef of bleeding and miserable Ireland, be equally pretious to the petitioners as they are to his majesty, (who will have no quarrell but in defence of these,) there will bee a cheerfull and speedy consent to what his majestie hath now proposed and desired.

And of this his majestie expects a full and positive answer by Wednesday, the 27th of this instant July; till when he will not make any attempt of force upon Hull, hoping in the affection, duty, and loyalty of the petitioners; and in the meane time, expects that no supply of men be put into Hull, or any of his majesties goods taken from thence.

Votes. Die Martis 12 *Julii*, 1642.

Resolved upon the Question,

That an army shall be forthwith raised for the safety of the kings person, defence of both houses of parliament, and of those who have obeyed their orders and commands, and preserving of the true religion, the laws, liberty, and peace of the kingdom.

Resolved upon the Question,

That the earle of Essex shall be the generall.

Resolved upon the Question,

That this house doth declare, that in this cause, for the safety of the kings person, defence of both houses of parliament, and those who have obeyed their orders and commands, and preserving of the true religion, the laws, liberty, and peace of the kingdom, they will live and die with the earle of Essex, whom they have nominated generall in this cause.[1]

Resolved upon the Question,

That a petition shall be framed, to move his majestie to a good accord with his parliament, to prevent a civill war.

The petition being drawn, was agreed unto upon the question, and with these votes were presented unto the lords; who returned answer, they did concur with the house of commons, *in omnibus*.

Whereupon both houses ordered, that the earl of Holland, Sir John Holland, and Sir Philip Stapleton should forthwith repaire to Beverley, and present the petition unto his majesty.

The message of the 11th of July came to the house of peeres after this petition was agreed on being so full an answer thereunto, as both houses resolved to give no other answer to that message but the said petition.

Resolved upon the Question, 14*th July*, 1642,

That all the members of this house that have subscribed for the bringing in of horse, money, or plate, do bring the same by Tuesday next, and that a report be made then to the house who are defective herein.

[1] "Which oath, among others, a good gentleman, Sir Sidney Mountague, father of the late earl of Sandwich, would not take; for he said, he would not swear to live with him, because he was an old man, and might dye before him; nor would he swear to dye with him, since the earle was going with an army against the king, which he did not know how to free from treason: and so he did not know what end that great man might come to. But for this reflexion he was presently voted to be dismembred, and another chosen into his place, to serve as night for Huntingdon-shire."—Sir P. Warwick's *Memoires of K. Charles I.*, Lond. 1702., 8vo., p. 221.

Resolved upon the Question,
That the earle of Bedford shall be generall of the horse.
HEN. ELSYNGE, Cler. Parl. D. Com.

An Argument in Justification of the Five Members formerly, and so virtually clearing the Four Men now Accused by his Majesty; wherein is proved, that the Raising of this present Army by authority of Parliament is not Treason; by which it likewise appeareth, that never any King of England received Loss or Damage by any Parliament, from the first that ever was called, to this present Parliament.

By Peter Bland of Grays-Inne, Gent.

London, Printed for John Field. 1641.

I am unable to point out the author of this treatise, who displays much research, and some acuteness. Of all the men of straw, however, who are set up in this sort of dialogue, to vindicate the opinion disapproved of by the writer, this poor doctor of divinity is the most defenceless: he is not suffered to make even the semblance of a successful thrust or parry through the whole argument, but is most triumphantly hit at every pass by his opponent.

A Dialogue between a Doctor of Divinity and a Student at Law, concerning the King and Parliament.

Doct. Sir, being acquainted with your ways of imployment, and knowing you to be a lawyer, I shall desire some satisfaction from you concerning a parliament, it being no way belonging to my own study, whereby I may resolve myself: and first, I desire you to tell me, who may be burgesses or knights in parliament.

Stud. I wish all divines were of your temper, not to meddle with that which belongs not to them: and, to answer your question,—the son and heir of an earl may be, and so was the lord Russell, Eliz. 6., or the son and heir-apparent of a baron, and so was Mr Henry Brook; for the eldest son of an earl is not a lord, only by the courtesie of England he is called so, but in any declaration or writing, he hath no more then his legal addition given.

Doct. But may not a divine be chosen for a burgesse, for he hath no voice in the upper house unless he be a bishop?

Stud. No, sir, he may not; and therefore Alexander Nowell was refused, being a prebend of Westminster; whereupon a writ issued to choose another in his room, for Leo, in Cornwall.

Doct. But I have heard that the country hath a free choice, and if they choose a divine, and he is returned, may the house put him out; and have they power to send out writs?

Stud. In 93 Eliz. it was ordered, that, during the session, no writs should issue to choose knights or burgesses but by warrant of the house to the clerk of the crown; and

18 Martii, 23 Eliz., it was agreed by the house, that if a burgesse be incurably sick, another may be chosen in his place by licence of the house, but not if he be easily sick, or sent of his majesties service, unless the house will allow of a new election.

Doct. What then, sir, if one man be chosen for two places,—which must he serve for?

Stud. He must serve for that place which first chose him. Sir Henry Piercy was chosen knight for two counties, and thereupon it was adjudged by the house that he should serve for that county which first chose him; 13 Eliz.: and in 7 E. 6. one Cavell was returned for Ludders-Hall and for Travayny, and he appeared for the first, and a writ issued to chose another for Travayny.

Doct. Well, sir, you have satisfied me for the election of burgesses, and who may be; now tell me what they do usually require at the king's hands, when they are all met, and a speaker made.

Stud. The first thing that they require at the king's hands is that which was required by the commons in the thirteenth year of Henry 8., to wit, that if any man of the commons house should speak more largely then of duty he ought to do, all such offences to be pardoned, and that to be of record.

Doct. If that be granted, then they may speak of the king what they please, and he must be pardoned.

Stud. No, sir; the reverence which a vassal oweth his sovereign is intended (in that motion) for to be proved in every speech; whatever it be, it must import the good of the king and his state; and so long it may be easily pardoned, otherwise not; for in Queen Elizabeth's time, who gave freedom of speech to all parliaments, when Wentworth made those motions that were but supposed dangerous to the queen's estate, he was imprisoned in the Tower, and there dyed.

Doct. I thought every burgesse or knight of the parliament house had a privilege that they could not be imprisoned.

Stud. No more they cannot, at the suit of any common person, where the offence does not touch the king directly, as by a trespass against another, or the like; but a man shall not have the privilege of the house for a criminal offence that immediately toucheth the king.

Doct. If he shall not have the privilege of the house for such an offence as immediately toucheth the king, who then must commit him,—the king, or the house of parliament, whereof he is a member?

Stud. As to that question, I shall not give you my own opinion, but I shall shew you what precedents have been done, if the books be true that I go by. Sir Edward Warner, (lieutenant of the Tower,) was sent out of his house to the Tower, for an offence done before the parliament was summoned; and Sir William Cecil, then secretary, said that the queen was then assured, by her justices, that she might commit any of the house, during the parliament, for any offence against the crown and dignity; and that they shewed divers precedents thereof: and Pearne was committed to the Marshalsy, for words, without any notice given to the house; and Master Cope, Master Lukenor, Hurlston, and Master Braynbridge, and others, were committed to the Tower by the queen, for that, before the parliament, they had sundry conventions for the preferring in parliament a book touching the rates of the church, and a form of an act for establishing the same; which also they did print, prefer, and urge in parliament; but it seemed, that if they had treated thereof only in time of parliament, (being burgesses,) they should not have been impeached: in 28 Eliz.

Doct. What then do you think of the king's accusing the five members?

Stud. Sir, you must know that the accusation laid before his majesty against them is not within the compass of any of those precedents; and we need not stand to give any reasons to prove how it differs from the precedents, because the king himself hath acknowledged it; and what dishonour can his so doing be to so religious a prince, when,

as he himself is subject to error, being considered as man? nay, in that point, he hath excelled the goodness of his royal ancestors; which act I hope shall be perpetually recorded in the hearts of all his subjects, for a testimony of his grace and goodness, and for a pattern to all succeeding princes.

Doct. But why did he not then accept of a pardon?

Stud. Then the king's mercy had been apparent, of which we have other great evidences; but his willingness to acknowledge his errors (which is a great virtue in a prince) had been concealed, and so he had been (in that respect) less glorious: besides, had they received a pardon, being not guilty, they had, *ipso facto,* lost their personal estate, by the statute, unless some words of art had been put into the pardon, which is not too late yet to be done.

Doct. Then it seems, that, in former times, the king had a power over the parliament, unless I misapprehend them: pray tell me, hath he not now a power over them?

Stud. I shall tell you what I have read, and farther I cannot go. The house had agreed, in 23 Eliz., to have a common fast, whereof the queen misliked not for the matter, but for the innovation of order, without her privity, and without ecclesiastical authority; for which cause, the commons submitted themselves, and she gave them their pardon. And Sir Walter Raleigh saith, the three estates do but advise, as the privy-council doth; which advice if the king embrace, it becomes the king's own act in the one, and the king's law in the other; for, without the king's acceptation, both the publick and private advices be but as empty egg-shells. Again, if there be any difference, for alteration of a bill, between the lords and commons, then, usually, some special persons of each house meet, and confer, that one house may understand the meaning of the other: but a bill that is signed by the king, and sent to the lower house, may not be altered in any part thereof, without his majesty's licence; but if a bill come from the lords, and not signed by him, it may be altered, by noting what should be taken from it, or added unto it: from whence, learned doctor, I desire you to gather your own satisfaction. And in 4 and 5 Phillip and Mary, the speaker shewed, that it was the queen's pleasure that the house should proceed no farther with the bill for the revenues of the queen, because it extended to divers which had accompted; and then Peter Wentworth and James Dalton moved, whether this did not restrain the liberty of the house? upon which, after many arguments, they resolved to cease, till some other time: now the queen revoked her said command, and gave them liberty to proceed; but, upon consultation amongst themselves, they spared to proceed any further.

Doct. But pray, sir, tell me your opinion freely,—is it dangerous for the king to assemble the three states, for thereby former kings have always lost somewhat of their prerogative? and because you shall not think that I speak at random, I will begin with elder times, wherein the first contention began betwixt the kings of this land and their subjects, in parliament.

Stud. Sir, you would do me a singular favour in your so doing.

Doct. You know that the kings of England had no formal parliament till about the 18th year of Henry I.; for, in his 17th year, for the marriage of his daughter, the king raised a tax upon every hide of land, by the advice of his privy-council alone; but you may remember, how the subjects, soon after this parliament, began to stand upon terms with the king, and drew from him, by strong hand and the sword, the great charter.

Stud. You say well, sir; the great charter was drawn from the king by the sword; but hereof the parliament cannot be accused, but the lords.

Doct. Then afterwards King John promised to restore King Edward's laws, and also to confirm the charter of forests, and the great charter, upon his absolution; but after his return out of France, in his 16th year, he denied it, because, without such a promise, he had not obtained restitution; therefore, he said his promise was constrained, and not voluntary: What say you, therefore? Was he not bound in honour to perform it?

Stud. Certainly no; for it was determined, in the case of King Francis the First, of France, that all promises by him made whilst he was in the hands of Charles the Fifth, his enemy, were void, by reason of the judge of honour, which tells us, he durst do no other.

Doct. But King John was not in prison.

Stud. Yet, for all that, restraint is imprisonment; yea, fear itself is imprisonment; and the king was subject to both. I know there is nothing more kingly in a king, than the performance of his word; that is, his word that is freely given; for binding of a king by law, upon the advantage of his necessity, makes the breach itself, lawful in a king, (saith Sir Walter Raleigh;) his charters, and all other instruments, being no other than the surviving witnesses of unconstrained will, *Princeps non subjicitur nisi sua voluntate libera, mero motu et certa scientia;* necessary words in all the grants of a king; witnessing that the same grants were given freely and willingly.

Doct. But what say you to the parliament of Westminster, in the 16th year of the king, when, notwithstanding the wars of France, and the great charge he had been at in repulsing the Welsh rebels, he was flatly denied the subsidy demanded?

Stud. I confess, sir, that the house excused themselves, by reason of their poverty, and the lords taking of arms. But you speak, sir, of danger of parliaments: now in this parliament, there was a denial, but there was no danger at all; yet, in the end of that year, at the assembly of the states at Lambeth, the king had the fortieth part of every man's goods given him freely, towards the payment of his debts; and those people who, the same year, had refused to give the king any thing, when they saw he had supplied his own necessity out of delinquents and corrupt officers, which he called to account, they willingly yielded to give him satisfaction: and, indeed, it is impossible for a king of England to greaten and enrich himself by any way so assuredly as by the love of his people; for by one year's rebellion, or civil wars, the king hath more loss than by a hundred years observance of Magna Charta, and the other laws that are in force; for in those times of war, kings have been forced to compound with rogues and rebels, and to pardon them; but by parliaments, the kings of England never received loss or prejudice.

Doct. But what say you to the denial in the 26th year of that king's reign, even when the king was invited to come into France, by the earl of March, who married his mother, and who promised to assist him in the conquest of many places that he had lost?

Stud. It is true, that a subsidy was then denied, and the reasons are delivered in English histories; who say, that, with a world of payments, there mentioned, the king had drawn the nobility dry; and besides, that whereas, not long before, great sums of money were given, and the same appointed to be kept in four castles, and not to be expended but by the advice of the peers, it was believed that the same treasure was yet unspent.

Doct. Good sir, you have said enough: judge you, yourself, whether that were not a dishonour to the king, to be so tied as not to expend his treasure but by other men's advice, as it were by their licence.

Stud. Surely (noble doctor) the king was well advised to take the money upon any condition, and they were fools that did propound the restraint; for it does not appear that the king took any great heed to those overseers:—kings are bound by their piety, and by no other obligations. In Queen Mary's time, when it was thought that she was with child, it was propounded that the rule of the realm should be given to King Philip, during the minority of the hoped prince, or princess; and the king offered his assurance, in great sums of money, to relinquish the government at such time as the prince and princess should be of age: at which motion, when all were silent in the house, the lord Dacres (who was none of the wisest) asked, Who should sue the king's bonds?

which ended the dispute; for what bond is between a king and vassal, more than the bond of the king's faith?

Doct. What say you then to the twenty-eighth year of that king, in which, when the king demanded relief, the states would not consent, except the former order had been taken for the appointing of four overseers for the treasury; as also, that the lord-chief-justice and the lord-chancellor should be chosen by the states, with some barons of the exchequer, and other officers?

Stud. Why, sir, admit the king had yielded to their demands, then whatsoever had been ordained by those magistrates, to the dislike of the commonwealth, the people had been without remedy; whereas, while the king made them, they had their appeal, and other remedies. It is an excellent thing for a king to have patience, and give way to the fury of men's passions.

Doct. Was not the king denied a subsidy, in the forty-first of his reign?

Stud. No, sir; for although the king required money, as before, for the impossible conquest of Sicily, yet the house offered to give fifty-two thousand marks; which whether he refused or accepted is uncertain; and whilst the king dreamed of Sicily, the Welsh invaded and spoiled the borders of England; for, in the parliament of London, when the king urged the house for the prosecuting the conquest of Sicily, the lords, utterly disliking the attempt, urged the prosecuting of the Welshmen: Which parliament, being prorogued, did again assemble at Oxford, and was called the mad parliament; which was no other than the assembly of rebels; for the royal assent of the king, which gives life to all laws formed by the three estates, was not a royal assent, when both the king and prince were constrained to yield to the lords: A constrained consent is the consent of a captive, not of a king; and therefore there was nothing done there, either legal or royal; for if it be not properly a parliament where the subject is not free, certainly it can be none where the king is bound; for all kingly rule was taken from the king, and twelve peers appointed to govern the realm; and, as other writers have it, twenty-four peers; and therefore the assembly made by Jack Straw and other rebels may as well be called a parliament as that at Oxford, *principis nomen habere non est esse princeps;* for thereby was the king driven, not only to compound all quarrels with the French, but he quitted his right to Normandy, Anjou, and Mayne.

Doct. But what needed this extremity, seeing the lords required but the confirmation of the former charter, which was not prejudicial to the king to grant?

Stud. Yes, sir, but they insulted upon the king, and would not suffer him to enter into his own castles; they put down the purveyor of the meat, for the maintenance of his house, as if the king had been a bankrupt; and gave order, that without ready money he should not take up a chicken: and though there is nothing against the royalty of a king in these charters, yet it is so contrary to the nature of a king to be forced, even to those things which may be to his advantage, as that the king had some reason to seek the dispensation of his oath from the pope, and to draw in strangers for his own defence; yea, *jure salvo coronæ nostræ* is intended inclusively in all oaths and promises exacted from a sovereign.

Doct. But you know 'tis dangerous to call in other nations, both for the spoil they make, as also because they have often held the possessions of the best places with which they have been trusted.

Stud. 'Tis true, sir, nothing is so dangerous for a king as to be constrained and held as prisoner to his vassals; for by that Edward II. and Richard II. lost both their kingdoms and their lives.

Doct. Why, those were both deposed by parliament, were they not?

Stud. Yes, sir, being prisoners, and being out of possession. It is an old contrary proverb, that (might overcomes right) a weak title that wears a strong sword common-

ly prevails against a strong title that wears but a weak one; otherwise Philip II. had never been duke of Millaine, nor king of Naples and Sicily: but, sir, *errores non sunt trahendi in exemplum*, when I defend parliaments, I speak of peaceable, regal, and lawful parliaments.

Doct. What say you then to the parliament held at London, about the 6th year of Edward the Second's time?

Stud. I say, that the king was not bound to perform the acts of that parliament, because the lords, being too strong for the king, enforced his consent; for these be the words of our own history, viz. They wrested too much beyond the bounds of reason: and at the parliament in the 13 year of that king, the lords that were so moved came with an army, and by strong hand surprized the king; they constrained (saith the story) the rest of the lords, and compelled many of the bishops to consent unto them; yea, it saith farther, that the king durst not but grant to all that they required.

Doct. What say you to the lords in Richard the Second's time? When he was first besieged in the Tower, the lords came to the parliament, and no man durst contradict them.

Stud. Certainly, in raising an army, they committed treason; and though it did appear that they all loved the king, (for they did him no harm, having him in their power,) yet our law doth conster all levying of war without the king's commission, and all force raised, to be intended for the death of the king, not attending the sequel; so saith Sir Walter Raleigh: But, Mr Doctor, for this war that our present parliament do maintain, I must tell you, that you must take this for a general rule,—that the immortal policy of a state cannot admit any law or privilege whatsoever, but, in some particular or other, the same must necessarily be broken; therefore I hold not Sir Walter's opinion for good law in the case of our times; for the supreme reason bears out their practise of many things without the advice of the law; and where the law by forecast hath not provided remedies for future dangers, parliaments are forced to assist themselves by their privileges: and besides, who can shew a greater right or title to the exposition of that statute, and determining what is a levying of war within that statute, and what not, than those that can expound with the same authority that the thing expounded was made by: however, I am sure, that as those parliaments wherein the kings of this land have satisfied the people have been ever prosperous, both to king and people, so where kings have restrained the house, the contrary hath hapned.

Doct. Well, sir, but is it not the best way to compound a parliament of the king's servants and others, that shall in all obey the king's desires?

Stud. Certainly no; for it hath never succeeded well on the king's part, nor on the subjects; for from such a composition do arise all jealousies and all contentions: it was practised in elder times, to the great trouble of the kingdom, and to the loss and ruin of many: in later times it was used by King Henry VIII., but every way to his disadvantage. When the king leaves himself to his people, they assure themselves that they are trusted and beloved of their king; and there was never any people so barbarous as not to answer the love and trust of their king.

Doct. Well, sir, notwithstanding all this, who dares to advise a king to call a parliament? for if it should succeed ill, those that advised the king to it should fall into the king's disgrace; and if the king be driven into any extremity, they can say to the king, that because we found it extreamly unpleasing to his majesty to hear of a parliament, we thought it no good manners to make such a motion.

Stud. As to the first part of your excuse, let me tell you, that there was never any just prince that hath taken any advantage of the success of counsels which have been founded upon reason: to fear that, were to fear the loss of the bell more than the loss of the steeple, and were also the way to beat all men from the study of the king's service. But for the second part of your excuse, where you excuse yourself upon the king's

protesting against a parliament, let me tell you, that the king, upon better consideration, may encounter that finesse of yours; therefore 'twill be better for a king to trust his own reason and excellent judgment, which have not deceived him in any thing wherein his majesty hath imployed them: Take counsel of thine heart, saith Solomon, for there is none more faithful unto thee then it.

A Declaration concerning the Generall Accompts of the Kingdome; with the true State of all Receipts and Disbursements of Moneys, both by Land and Sea, for the Use of the Common-wealth, since the first sitting of this Parliament unto the 1st of June, 1642. Published by Order of the Honourable House of Commons, assembled in Parliament, for the satisfaction of all his Majesties loving Subjects.

The parliament having the command of the national purse, and having, for some time, taken upon themselves the superintendence of the application of the supplies, as well as of providing them, were upbraided, by the king and his party, with wasting and squandering the money which was levied for public purposes. To refute this scandal, they made the accounts public, in the following tract, which was dispersed by their authority. It is, indeed, but doing justice to the Long Parliament to observe, that, even in the midst of the civil war, they were, as far as circumstances permitted, economists of the public treasure; and no circumstance conduced more to their final victory over the royalists.

Die Jovis, 5to Junii, 1642.

It is this day ordered, by the commons assembled in parliament, that the generall state of the accompts of the kingdom, and likewise the accompts concerning the navy, this day presented to the said commons, by Mr Trenchard and Mr Green, be forthwith printed, by such person as shall be thereunto appointed by the said Mr Ternchard and Mr Green, unto whom the care of printing the said accompts is solely referred; and that no other shall presume to reprint any copies of the same, but they whom the said Mr Trenchard and Mr Green shall appoint.

HEN. ELSYNGE, *Cler. Parl. Dom. C.*

Wee doe appoint Laurence Blaiklock to print these accompts, according unto the order above said.

JOHN TRENCHARD.
GILES GREENE.

A Declaration of the Honourable House of Commons, concerning the Accompts of the Kingdom.

The commons, assembled in parliament, taking into their consideration that the malignant party of this kingdom, the causes of all these disturbances in the common-wealth, which have enforced the parliament to raise great and vaste sums upon the subjects,

have likewise beene the authors of many false aspersions, as if those summes had exceeded the necessity, or were diverted from publick services to the advantage of particular persons; and being thereof very sensible, have thought fit, for the satisfaction of all his majesties subjects, and removall of such unjust scandals, to publish an accompt of all summes received and disbursed by their order, from the beginning of this parliament untill the first of June, 1642, that so their own integritie may be cleared, and the people admonished not to give credit to those who, being prevented in their wicked designes of destroying the parliament by force, do now labour, by impudent falsehoods and calumnies, to deprive it of the confidence of those whom they represent, without which, all their paines will be unserviceable to the publike, and uncomfortable to themselves.

Before the sitting of this parliament, the mischievous councels then prevailing had caused two armies of England and Scotland to bee brought very neere together, in the bowels of the kingdom; when, for the prevention of blood, and other mischiefes of warre, it was agreed, by the treaty of Rippon, that the summe of twenty-five thousand pound a moneth should be paid to the Scottish army, which, before it could be disbanded, put the kingdom to the charge of two hundred seventy-foure thousand two hundred and fifty pounds.

It was likewise conceived, that the kings army could not with honour bee discharged before the removall of the Scots; for payment of which, his majesty was engaged by severall establishments under his royall signature, and the hands of the privie-councell: The consideration whereof moved the parliament, out of a tender regard of his majesties honour, and for the better securing the peace of the kingdom, to undertake the payment of that army, and of the garrisons of Carlile and Barwick; the charge whereof was about fifty thousand pound a month; which, from the tenth of November, 1640, untill the time of disbanding, in August and September following, amounted to the sum of foure hundred ninety-one thousand two hundred pounds, as may easily be collected out of these accompts.

Besides the monethly payments before mentioned, continued to the Scots for above tenne moneths, the losses and charges which his majesties loving subjects of that nation had sustained by occasion of these grievances and oppressions, which moved them to come into this kingdom, were presented to the consideration of this parliament, and, by their estimate, did amount to above seven hundred thousand pounds; a summe too great for that kingdome to beare; which caused the parliament, for their ease and reliefe, to afford them a brotherly assistance of three hundred thousand pound, to be satisfied at three payments, (viz.) at disbanding, eighty thousand pound; at midsomer, 1642, one hundred and tenne thousand pound; and at midsomer, 1643, one hundred and tenne thousand pound.

These great burthens, amounting to a full million and sixty-five thousand foure hundred fifty pound over, as they were caused by the malignant party, so ought in justice to be satisfied by them; towards the affecting whereof divers proceedings were commenced in a parliamentary way against severall delinquents, in favour of whom, and to prevent the just benefit which the common-wealth might have had by those proceedings, many diversions and obstructions have been interposed, and severall plots and designes against the parliament have been contrived. And whiles the parliament was conflicting with these great necessities and interruptions, and in a good forwardnesse to prevaile against both, the rebellion in Ireland brake out; for the speedy suppression whereof the parliament forthwith provided fifty thousand pound; and afterwards, when the rebellion increast to that strength and confidence that the whole kingdom was infested with it, and all the Irish papists actually in armes against this crown, for the rooting out of the protestant religion and the English plantation, in defence and maintenance thereof, they were enforced to raise severall armies, consisting, in all, of above fourty thousand foot, and three thousand foure hundred horse, which are already in Ire-

land, except five thousand foot, and five hundred horse, to bee raised and maintained at the charge of the adventurers; which have long beene delayed, for want of his majesties commission, which cannot yet bee obtained, although both houses of parliament have often most earnestly desired the same.

The expences in raising these armies, and supplying them with victuals and other necessaries, amount to one hundred eighty-one thousand eight hundred forty-five pound, three shillings, foure pence, disbursed before the first of June, 1642; to which are to be added divers payments since, and the arrears to the souldiers still remaining due, both which wil make a great summe; besides the future growing charge of maintaining all these forces, which will come to about eighty thousand pound a month.

To these land forces we have been compelled to adde a great fleet at sea, for the defending this kingdom, and preventing supplies of men and munition to be brought to the rebels in Ireland; for which service are employed, upon the coast of England and Ireland, fifty-two saile of ships; the charge of which ships, and other necessaries, and for satisfaction of arrears for his majesties navie, will appeare, in the accompt hereunto annexed, to be three hundred twenty-foure thousand foure hundred eighty pound, nineteen shillings, eight pence; besides fifteen saile of ships set out at the charge of the adventurers.

Notwithstanding all these great burdens upon the kingdom, his majesty hath received, towards the charge of his houshold, the maintenance of his royall children, the queen of Bohemia and her children, and other private uses, within the space of a year, ended in May last, one hundred eighteen thousand two hundred ninty-two pounds, nine shillings, eleven pence, out of the tunnage and poundage; and the monethly assignments are still continued. The compositions for purveyance are paid towards the maintenance of his majesties houshold, and some payments to the forts, which should have been issued out of the exchequer. Nothing hath been withdrawn from his majesty of any just profit, or diverted from the publike occasion to the private benefit of any person, as hath been falsely reported, nor any concealed from the publike, but all the disbursements will clearly appear upon the account; the particulars whereof being very large, and not to be contained in lesse than twenty quires of paper, this house hath ordered to be forthwith brought in, and to remaine on record in this house, where any that desire satisfaction may view them.

And there is good cause to hope that those difficulties might be overcome, and religion and peace setled in both kingdomes, without any greater burthens upon the common-wealth, if the subscription for adventurers in Ireland be furthered in the country, the summes collected or due by severall acts may speedily be sent up, and the proceedings against delinquents freed from those manifold obstructions wherby they have been hindred, that so the fines to be justly imposed upon them may be applyed to the ease and satisfaction of the common-wealth, as in justice they ought to be.

But such is the dangerous and miserable condition of this kingdom, by reason of the malicious and jesuiticall faction, which have corrupted his majesties counsels, captivated his person, seized upon his power, and not only withdrawn him from his parliament, but provoked him to raise armes against them, and by his countenance possessed themselves of places of strength in this kingdom, (as they had done at Hull, if they had not been prevented by the wisdome of the parliament,) and since have effected at Newcastle and Tynmouth, where garisons are already placed, and fortifications begun,—that the parliament can have no breathing or freedom from these mischievous plots and designes ever multiplying and renewing against them; whereby the faire hopes of succesee of the Irish warre, all the good lawes already obtained, and the hopefull endeavours and preparations made in this parliament for the future safty and prosperitie of the kingdom, are like to end in the destruction of religion and the publike liberty, if the good subjects doe not unanimously apply themselves to assist the parliament in

redeeming his majesties person and government out of the wicked hands and pernicious counsels of those who have conspired to abuse his authority and power, to the destruction of himself and all his people; and which do daily produce effects so dangerous to the state, and burthensome to the subjects, as neither the wisdome of the parliament will long be able to resist, nor the treasure of the kingdom to defray.

The Generall State of the Accompts of the Kingdom, both of Moneys borrowed and otherwise received for the Use of the Common-wealth, from the beginning of this present Parliament, 3d November, 1640, to the 1st of June, 1642.

RECEIPTS.

		£	s	d
Moneys borrowed for the affairs of England, viz. of	The aldermen and citizens of London, as moneys by them lent, in November, December, and January, 1640, fifty thousand pound,	50000	0	0
	Sir John Harrison, knight, for money by him lent, fifty thousand pound,	50000	0	0
	Master Isaak Penington, alderman, and others, for money by them lent, nine thousand seven hundred pound,	9700	0	0
	The inhabitants of the wards in London, for moneys by them lent, in February, March, April, 1640 and 1641, forty-foure thousand five hundred sixty-seven pound, fifteen shillings, foure pence,	44567	15	4
	Knights and esquires of the honourable house of parliament, for money by them lent, nineteen thousand pound,	19000	0	0
	The aldermen and citizens of London lent, in May, June, and July, 1641, ninety-five thousand nine hundred pound,	95900	0	0
	Divers knights and esquires, members of the house of parliament, for money lent to the poll accompt in London, seventy-six thousand three hundred sixty pound,	76360	0	0
	The summe, three hundred forty-five thousand five hundred twenty-seven pound, fifteen shillings, foure pence,	345527	15	4
Moneys borrowed for Ireland, viz. of	The citizens of London, for suppressing the rebels in Ireland, fourty-nine thousand eight hundred twenty-three pound,	49823	0	0
	The company of merchant adventurers in London, seventy thousand pound,	70000	0	0
	The adventurers for Ireland, for moneys borrowed upon that accompt, thirty-one thousand pound,	31000	00	0
	The members of the honourable house of commons, upon a second loane, fourteen thousand five hundred pound,	14500	0	0
	Carry over,	165323	0	0

		£	s	d
	Brought over, .	165323	0	0
Moneys borrowed for Ireland, viz. of	Master Henly, for money by him lent, five thousand pound, . . .	5000	0	0
	The inhabitants of the county of Buckingham, by them lent to the accompt of contributions for Ireland, six thousand pound, . . .	6000	0	0
	Divers others lent to the same accompt two thousand foure hundred pound, . . .	2400	0	0
	The sum, one hundred seventy-eight thousand seven hundred twenty-three pound, . .	178723	0	0
Money received by way of subsidie and otherwise, viz. received of	The foure subsidies first granted, two hundred sixteen thousand foure hundred fifty-six pound, twelve shillings, eight pence, . . .	216456	12	8
	Two intire subsidies, due in December, 1641, eighty-five thousand seven hundred eighteen pound, foure shillings, foure pence, . . .	85718	4	4
	The poll-money paid to the treasurers in London, one hundred seventy-nine thousand one hundred and six pound, eleven shillings, eight pence, three farthings, £179106 11 8¾			
	The poll-money paid to the treasurers at Westminster, thirtie-eight thousand five hundred seventy-eight pound, thirteen shillings, eight pence, . . 38578 13 8	157061	16	11¾
	The poll money paid to the treasurers at York, thirty-nine thousand three hundred seventy-six pound, eleven shillings, seven pence, 39376 11 7			
	Delinquents, (viz.) of the late farmers of the old and new customs, one hundred sixty-five thousand pound, . . .	165000	0	0
	The treasurers upon the accompt of contributions for Ireland, eighteen thousand eight hundred thirty-eight pound, thirteen shillings, four pence, -	18838	13	4
	The sum is seven hundred forty-three thousand seventy-five pound, seven shillings, three pence, three farthings, -	743075	7	3¾
	Sum totall of all the receipts is one million two hundred sixty-seven thousand three hundred twenty-six pound, two shillings, seven pence, three farthings, - - £1267326 2 7¾			

The Generall State of the Accompts of the Kingdome, of Moneys disbursed for England, Scotland, and Ireland, from the beginning of this present Parliament, 3d November, 1640, to the 1st of June 1642.

DISBURSEMENTS.

		£	s	d
Imprests to divers treasurers and others, for the affaires of the common-wealth, and by them to be accompted for, viz.	To the right honourable the earle of Warwick, and by him paid over to the Scots, as by his accompt appeareth, two hundred eighty-six thousand three hundred sixty-one pound, nineteen shillings, foure pence, . . .	286361	19	4
	To Sir William Uvedall, knight, treasurer at warre, by him disbursed for the reliefe of his majesties army, and the northern parts of the kingdome, and for the garrisons of Barwick and Carlile, as by the particular accompts thereof appeares, three hundred ninety-six thousand eight hundred forty-three pound, .	396843	0	0
	To Sir John Hotham, knight, for the garison of Hull, six thousand pound, . .	6000	0	0
	To Master Paylor, for the garison at Barwick, besides the money paid by Sir William Uvedall, as by his accompts appeares, twenty-nine thousand pound,	29000	0	0
	To Master Walker, for the garison at Carlile, besides the money paid by Sir William Uvedall, as by his accompts appeares, ten thousand pound, .	10000	0	0
	To Colonell Goring, for the garison at Portsmouth, three thousand pound, . .	3000	0	0
	To divers counties imprest for billeting-money in the north, as by the accompts at York appeares, nine thousand five hundred pound, . .	9500	0	0
	To Master Samuel Vassall, for fraight of ships, and corne for Ireland, five hundred ninety pound, .	590	0	0
	To Sir Adam Loftus, vice-treasurer of Ireland, and Nicholas Loftus, his deputy, and divers others, for leavying men and transporting them, and provision of armes and ammunition, and entertainment of the lord-deputy, and pay of souldiers, and other the occasions of Ireland, charged upon his accompt, and to be by him accounted for, one hundred forty-nine thousand three hundred sixty-eight pound, . . £149368 0 0	175845	3	4
	To Sir John Smith, one of the Scotch commissioners for Ireland, twenty-two thousand foure hundred seventy-seven pound, three shillings, four pence, . 22477 3 4			
	To Master Davis, for victualls for Ireland, foure thousand pound, . 4000 0 0			
	Carry over, .	917140	2	8

		£	s	d
	Brought over, .	917140	2	8
Imprests to divers treasurers and others, for the affaires of the common-wealth, and by them to be accompted for, viz.	To the treasurer and victuallers of the navie, five thousand pound, £5000 0 0 Sir Tho. Staples, for armes for London-Derry, a thousand pound, . 1000 0 0 In all to be cleared by the accompt of the treasurer of Ireland.	6000	0	0
	The totall summe, nine hundred twenty-three thousand one hundred forty pound, two shillings, eight pence, ...	923140	2	8
Disbursements by warrant, for the service of the realm, viz.	Paid for transporting of the queen-mother, and her occasions, ten thousand pound, .	10000	0	0
	Paid for interest of moneys borrowed, eleven thousand nine hundred ninety-one pound, eleven shillings, and eleven pence, . . .	11991	11	11
	Paid to the committee of both houses, appointed to attend the king in Scotland, one thousand three hundred and fifty pound; and at York, two hundred pound; and at Hull, a hundred and three pound, ten shillings, for their severall charges; in all, one thousand six hundred fifty-three pound, ten shillings, . . .	1653	10	0
	To Sir Nicholas Biron, for horse and arms delivered to the magazine at Carlile, two hundred pound,	200	0	0
	To Owen O-conellis, in reward for discovering the Irish treason, five hundred pound, .	500	0	0
	The charge of building a house for a court of guard, seventy-one pound, fifteen shillings, .	71	15	0
	The whole charge paid the trained bands, for guarding the parliament, from the 8th of November, 1641, for 20 dayes only, the sum of one hundred twenty-one pound, ten shillings. Since which time, the parliament hath been guarded without charge to the common-wealth, . .	121	10	0
	Fraight of ships from Barwick, beside two hundred twenty pound, by Mr Vassall, six hundred sixty-one pound, ten shillings, . .	661	10	0
	To divers persons employed in severall journeys into Yorkshire, Newcastle, Edenborough, Hull, and other places, for charges and paines in the same, two hundred seventy-six pound, ten shillings, .	276	10	0
	Reward to divers persons, for severall services, one hundred sixty-four pound, fourteen shillings,	164	14	0
	Charges for clerks and others attending the accompt of poll-money in London, eight hundred and four pound, sixteen shillings, eight pence, .	804	16	8
	Charges of clerks and others attending the accompt of poll-money at York, one hundred seventy-seven pound, thirteen shillings, six pence, .	177	13	6
	Carry over, .	£26623	11	1

		£	s	d
	Brought over, .	26623	11	1
Disbursements by warrant, for the service of the realm, viz.	Paid out of the contribution-moneyes, to divers distressed persons that came out of Ireland, and sent thither for reliefs, five thousand five hundred seventy-four pound, . . .	5574	0	0
	The totall summe, thirty-two thousand one hundred ninety-seven pound, eleven shillings, and a penny, . . .	32197	11	1
Repaid of moneys borrowed.	Repaid to the citizens of London and others, in part of the moneys borrowed, and charged *per contra*, three hundred six thousand eight hundred forty-seven pound, fifteen shillings, foure pence,	306847	15	4
	The totall sum of the disbursements, one million two hundred sixty-two thousand one hundred eighty-five pound, nine shillings, and a penny, . .	1262185	9	1
Resting, in cash.	In the hands of the receivers, the first of June, 1642, towards the further discharge of debts, five thousand one hundred forty pound, thirteen shillings, six pence, three farthings,	5140	13	6¾
	In all, to ballance this accompt, one million two hundred sixty-seven thousand three hundred twenty-six pound, two shillings, seven pence, three farthings,	1267326	2	7¾

Debts and Ingagements, the first of June, 1642.

Debts.	To divers citizens of London, parcell of ninety-five thousand nine hundred pound, by them lent, in May, June, and July, 1641, for further reliefe of the northern parts, seventeen thousand foure hundred pound, . . .	17400	0	0
	To divers persons, parcell of seventy-six thousand three hundred sixty pound, lent, and charged in the poll account of London, twenty-six thousand two hundred and foure-score pound, ...	26280	0	0
	To divers citizens of London, to suppresse the rebellion in Ireland, forty-nine thousand eight hundred twenty-three pound,	49823	0	0
	To the merchant-adventurers of London, for money by them lent, seventy thousand pound, . . .	70000	0	0
	To the adventurers for Ireland, for money lent out of that account, thirty-one thousand pound, . .	31000	0	0
	To divers members of the honourable house of parliament, for money by them lent, for the affaires of Ireland, fourteen thousand five hundred pound, . . .	14500	0	0
	To the inhabitants of the county of Buckingham, six thousand pound, ...	6000	0	0
	To divers persons, for moneys lent to the account of the contributions for Ireland, two thousand foure hundred pound,	2400	0	0
	The summe, two hundred seventeen thousand foure hundred and three pound, . .	217403	0	0

	£	s	d
Ingagements. To the Scottish men, for their brotherly assistance, besides twenty thousand pound payd them upon the Irish account, and foure-score thousand pound already payd, in part of three hundred thousand pound,—two hundred thousand pound, .	200000	0	0
Claymed for billet-money, not yet cleared by accounts, eighty-nine thousand foure hundred seventy-five pound, thirteen shillings, and eleven pence, ...	89475	13	11
To the officers of the English army, for pay, besides eleven thousand nine hundred twenty-one pound, seven shillings, foure pence, demanded for waggon-money, eleven thousand seven hundred sixty-seven pound, ...	11767	0	0
To the garrisons of Barwick and Carlile, three thousand two hunded ninety-nine pounds, fifteen shillings, ten pence, .	3299	15	10
To Mr Speaker, six thousand pound, ...	6000	0	0
To the companies of London, for moneys by them lent, before the parliament began, and payd into the kings majesties exchequer, upon the lords security, and interest for the same, to the second of April, 1642, fifty-six thousand pound, . .	56000	0	0
The summe, three hundred sixty-six thousand five hundred forty-two pounds, nine shillings, and nine pence, .	366542	9	9
The totall summe of the debts and ingagements, five hundred eighty-three thousand nine hundred forty-five pounds, nine shillings, and nine pence, ...	583945	9	9

Besides the arreares due to our army in Ireland; towards which,

	£	s	d
Moneys to be received, viz. Money, in cash, upon all accounts, the first of June, 1642, five thousand one hundred forty pound, thirteen shillings, six pence, three farthings, ...	5140	13	6¾
To be received upon the act made for foure hundred thousand pound, ...	400000	0	0
The summe, four hundred five thousand one hundred forty pound, thirteen shillings, six pence, three farthings, .	405140	13	6¾

An Account of such Monies as have beene paid into the Receipt of his Majestie's Exchequer, by the Collectors of the Customes, sithence the 25th day of May, 1641*; collected upon the severall Bills of Tonnage and Poundage, and since that time disbursed for the use of the Navie, and towards the support of his Majestie, unto the ninth of June,* 1642.

	£	s	d
Received out of the collections of the customes, by the officers of his majesties receipt in the exchequer, sithence the 25th of May, 1641, as by their accounts appeareth, the summ of two hundred thirty-eight thousand two hundred eighty-six pounds, two shillings, and two pence, ...	238286	2	2

Which money hath beene paid out as followeth.

	£	s.	d.
Imprimis, paid to the cofferer of his majesties house-hold, in part of the yearely assignements, tenne thousand one hundred fortie-sixe pounds, eighteene shillings, nine pence, halfepeny, . . .	10146	18	9½
In monethly payments, for the king, queene, and princes house-hold, the queene of Bohemia, and for repaire of his majesties houses, for thirteene moneths, ended ultimo Maii, 1642, eightie-five thousand nine hundred and sixtie pounds, nineteen shillings, eight pence, ...	85960	19	8
To the prince Elector Palatine, in part of his pension, one thousand pound, ...	1000	0	0
To the marquesse Hartford, for the prince, his robes, and privie purse, eight hundred pounds, ...	800	0	0
To the master of the great wardrob, in part of his assignment, one thousand seven hundred and fifty pounds, . .	1750	0	0
To the earle of Holland, in part of the arreares for the entertainment of the garrison at Landguard Fort, one thousand pound, .	1000	0	0
To the band of gentlemen pentioners, for their wages, and board wages, for halfe a yeare, three thousand and one pound, fourteene shillings, and two pence, halfpeny, . . .	3001	14	2½
To Sir Arthur Hopton, knight, embassador in Spaine, upon his entertainement, two thousand pounds, . . .	2000	0	0
To the lord Fielding, embassador for Venice, upon his entertainement, one thousand three hundred pounds, . . .	1300	0	0
To Patricke Mawle, esquire, upon his pention, one hundred twenty-five pounds, ...	125	0	0
To the East India Company, in part of a debt owing to them by his majestie, for peper bought by my lord Cottington, nine thousand four hundred and thirteen pounds, fourteen shillings, and seven pence, ...	9413	14	7
To severall persons, for pentions, &c., in small payments to his majesties use, one thousand seven hundred ninetie-foure pounds, two shillings, and eight pence, ...	1794	2	8
The totall of moneys paid to his majesties private use, one hundred and eighteene thousand two hundred ninetie-two pounds, nine shillings, and eleven pence, ...	118292	9	11

More paid in part of the severall summes of money for the charge of his majesties navie, as by the particulars, *per cont.*, one hundred and nineteene thousand five hundred and twelve pounds, one shilling, four pence, ...	£ 119512	1	4			
More paid towards the charge of the navie, *per cont.*, out of fines raised upon delinquents, five thousand foure hundred and two pounds, tenne shillings, and a penny, ...	5402	10	1	129914	11	5
More paid to the charge of the navie, which was borrowed of monies in the hands of the chamberlain of London, five thousand pound, . .	5000	0	0			

	£	s	d
The totall of monies paid to his majesties private use, and to the navie, two hundred fortie-eight thousand two hundred and seven pounds, one shilling, and four pence, ...	248207	1	4
By this account it appeareth there is disbursed, more than hath been receaved from the collectors of the customes, nine thousand nine hundred and twentie pounde, nineteene shillings, and two pence,	9920	19	2

An Account of the Charge of severall Fleetes, set forth by Order of Parliament, since May, anno 1641, *for the guarding of the Narrow Seas, and defence of this Kingdome, and of Ireland; and likewise for the Supply of Stores of all sorts, for the Provision of his Majesties Navie, and the Office of Ordinance; and for the Payment of the severall Workmen and Labourers attending his Majesties service about the Navie, in his Highnesse yards of Woolledge, Deptford, Chatham, and Portsmouth.*

Imprimis,	£	s	d
The charge for ten of the kings ships, and ten merchant ships, imployed on the narrow seas, *pro anno* 1641, fiftie-seven thousand five hundred nintie-two pounds, foure shillings, sixe pence, .	57592	4	6
The charge of the ordinary of his majesties navie, *pro anno* 1640, twentie-seven thousand sixe hundred and ten pounds, three shillings, nine pence, whereof is unpayed, sixteen thousand eight hundred and ten pounds, three shillings, nine pence, . . .	16810	3	9
The charge of the ordinary of his majesties navie, *pro anno* 1641, twenty-seven thousand one hundred twenty-two pounds, three shillings, foure pence, ...	27122	3	4
The charge of twelve ships, for transporting of armes and souldiers for Hull, *anno* 1640, three thousand two hundred pounds, .	3200	0	0
The repaire, launching, and transporting the prince to Chatham, *anno* 1641, two thousand one hundred and sixtie pounds, .	2160	0	0
For repaire of the dockes and wharfes at Chatham, *pro anno* 1642, one thousand sixe hundred and twenty pounds, .	1620	0	0
The charge of the ordinary of his majesties navie, *pro anno* 1642, to the treasurer of the navie, twenty-one thousand fifty-sixe pounds, eleven shillings, six pence, ...	21056	11	6
The charge for the victualer of the navie, for the ordinary expences, 1642, seaven thousand sixe hundred fiftie-five pounds, seventeene shillings, and nine pence, . . .	7655	17	9
The charge for the emptions of the office of ordinance, *pro anno* 1641, two thousand fifty-eight pounds, ten shillings, foure pence, . . £ 2058 10 4			
For the emptions of the said office, *pro anno* 1642, three thousand three hundred eighty-five pounds, one shilling, eight pence, . . . 3385 1 8	5443	12	0
The charge of foure of his majesties ships, set forth 1642, imployed for the coast of Ireland, for eight moneths, to the treasurer of the navie, eight thousand nine hundred seventy-nine pounds, sixteene shillings, and eight pence, ...	8979	16	8
Carry over, .	151640	9	6

	£	s	d
Brought over, .	151640	9	6
To the victualler, for victualling of the said shippes, five thousand three hundred sixtie-foure pounds, fifteene shillings, eight pence, .	5364	15	8
The charge of setting forth fifteene of his majesties ships for the narrow seas, *anno* 1642, for eight moneths, to the treasurer of the navie, fortie-eight thousand three hundred sixty-eight pounds, ten shillings,	48368	10	0
To the victualer, for victualling the said fifteene ships, twenty-seaven thousand-three hundred fifty-nine pounds, sixteene shillings, six pence, ...	27359	16	6
The charge of twenty-foure merchant ships, set forth *anno* 1642, for eight moneths, viz. three of Bristoll, five of Master Morrice Tompson and partners, and sixteene others of the city of London, eighty-one thousand seven hundred fifty-eight pounds, eight shillings,	81758	8	0
The charge of the eight pynaces, (whereof three of his majesties, and five merchant ships,) set forth for the coast of Ireland, for eight months, *anno* 1642, seven thousand foure hundred eighty-nine pounds, ...	7489	0	0
The charge of setting forth two friggots, bought at Dover, by order of parliament, for his majestie's use, two thousand five hundred pounds,	2500	0	0
The totall of the charge above-said, three hundred twenty-foure thousand foure hundred and eighty pounds, nineteene shillings, eight pence, ...	324480	19	8

Whereof paid out of the custumes, *per contra*, one hundred nineteene thousand five hundred and twelve pounds, one shilling, and foure pence,	£ 119512	1	4	129914	11 5
More paid out of the fines of delinquents, *per contra*, five thousand foure hundred and two pounds, ten shillings, and a pennie, . . .	5402	10	1		
More paid out of monies borrowed out of the chamber of London, *per contra*, five thousand pounds,	5000	0	0		
There remaineth owing upon this account, to discharge the above-said severall charges, 9 Junii, 1642, one hundred ninetie-foure thousand five hundred sixtie-sixe pounds, eight shillings, and three pence, ...				194566	8 3

A Declaration of the Grievances of the Kingdome, delivered in Parliament, by John Pym, Esquier, 1642.

This speech, though published in 1642, was delivered as early as 1640, upon the opening of the Long Parliament. It contains an ample summary of those grievances which were then the universal subject of complaint, and may be considered as the text upon which the subsequent proceedings of that memorable assembly were grounded.

NEVER parliament had greater businesses to dispatch, nor more difficulties to encounter; therfore wee have reason to take all advantages of order and addresse; and hereby wee shall not only doe our owne worke, but dispose and inable our selves for the better satisfaction of his majesties desire of supply. The grievances being removed, our affections will carry us, with speed and chearfulnesse, to give his majestie that which may be sufficient both for his honour and support. Those that in first place shall endeavour to redresse the grievances, will be found not to hinder, but to be the furtherers of his majesties service: hee that takes away weights, doth as much advantage motion as he that addeth wings.

The precedent consideration of grievances will further the supply.

Diverse pieces of this maine work have bin already propounded, his endeavour should bee to present to the house a modell of the whole. In the creation, God made the world according to that idea or form which was eternally pre-existent in the divine mind. Moses was commanded to frame the tabernacle after the patterne shewed him in the Mount. Those actions are seldome well perfected in the execution, which are not first well moulded in the designe and proposition.

Great works are first to be considered in the modell.

He said, he would labour to contract those manifold affaires, both of the church and state, which did so earnestly require the wisdom and faithfulnesse of this house, into a double method of grievances and cures. And because there wanted not some who pretended that these things wherewith the common-wealth is now grieved are much for the advantage of the king, and that the redresse of them will be to his majesties great disadvantage and losse, (hee said,) hee doubted not but to make it appeare, that, in discovering the present great distempers and disorders, and procuring remedy for them, we should be no lesse serviceable to his majestie, who hath summoned us to this great councell, than usefull to those whom wee doe here represent: for the better effecting whereof, he propounded three maine branches of his discourse.

A double method, compounded of grievances and cures.

Publike grievances disadvantageous to the king.

The first general division.

1. In the first, (he said,) he would offer them the severall heads of some principall grievances under which the kingdome groaned.

2. In the second, he undertook to prove, that the disorders from whence those grievances issued were as hurtfull to the king as to the people.

3. In the third, he would advise such a way of healing and removing those grievances, as might be equally effectual to maintaine the honour and greatnesse of the king, and to procure the prosperity and contentment of the people.

In the handling whereof, he promised to use such expressions as might mitigate the sharpenes and bitternes of those things whereof he was to speak, so far as his duty and faithfulnesse would allow. It is a great prerogative to the king, and a great honour attributed to him in a maxime of our law, that he can doe no wrong; he is the fountaine of justice; and if there be any injustice in the execution of his commands, the law casts it upon the ministers, and frees the king. Activity, life, and vigour, are conveied into the sublunary creatures by the influence of heaven; but the malignity and distemper, the cause of so many epidemicall diseases, do proceed from the noysome vapours of the earth, or some ill affected qualities of the aire, without any infection or alteration of those pure, celestiall, and incorruptible bodies. In the like manner, (he said,) the authority, the power, and countenance of princes may concurre in the actions of evill men, without partaking in the injustice and obliquitie of them. These matters whereof we complaine have bin presented to his majestie, either under the pretence of royall prerogatives, which he is bound to maintaine, or of publike good, which is the most honourable object of regall wisdome. But the covetous and ambitious designes of others have interposed betwixt his royall intentions and the happiness of his people, making those things pernicious and hurtfull, which his majestie apprehended as just and profitable.

Sharp matters to be mitigated in the expression.

The king can do no wrong.

Hurtfull projects presented to the king, under plausible notions.

He said, the things which he was to propound were of a various nature, many of them such as required a very tender and exquisite consideration; in handling of which,

A promise of moderation.

as he would be bold to use the liberty of the place, and relation wherein he stood, so hee would be carefull to expresse that modestie and humilitie which might be expected by those of whose actions he was to speake. And if his judgment or his tongue should slip into a particular mistake, he would not thinke it so great a shame to faile by his owne weaknesse, as hee should esteem it an honour and advantage to be corrected by the wisdom of that house, to which he submitted himselfe, with this protestation, that he desired no reformation so much as to reforme himselfe.

Submission to reformation.

Religion.

Justice.

Priviledge of parliament.

The order propounded in handling these three great liberties.

The greatest liberty of the kingdom is religion; thereby we are freed from spiritual evils; and no impositions are so grievous as those that are laid upon the soul. The next great liberty is justice, whereby we are preserved from injury in our persons and estates: from this is derived into the common-wealth, peace, and order, and safety; and when this is interrupted, confusion and danger are ready to overwhelm all. The third great liberty consists in the power and priviledge of parliaments: this is the fountaine of law, the great councell of the kingdome, the highest court: this is inabled, by the legislative and conciliary power, to prevent evils to come; by the judiciary power, to suppresse and remove evils present. If you consider these three great liberties in the order of dignitie, this last is inferiour to the other two, as meanes are inferiour to the end; but if you consider them in the order of necessity and use, this may justly claime the first place in our care, because the end cannot be obtained without the means: if we do not preserve this, we cannot long hope to enjoy either of the other. Therefore (he said) being to speak of those grievances which lye upon the kingdome, he would observe this order.

1. To mention those which were against the priviledge of parliaments.
2. Those which were prejudiciall to the religion established in the kingdome.
3. Those which did interrupt the justice of the realme, in the liberty of our persons, and propriety of our estates.

The necessitie and importance of the priviledge of parliament.

The priviledges of parliament were not given for the ornament or advantage of those who are the members of parliament; they have a reall use and efficacy towards that which is the end of parliaments. We are free from suits, that we may the more intirely addict our selves to the public services: we have therefore liberty of speech, that our counsels may not bee corrupted with feare, or our judgments perverted with selfe respects. Those three great faculties and functions of parliament, the legislative, judiciary, and consiliary power, cannot be well exercised without such priviledges as these. The wisdome of our lawes, the faithfulnesse of our counsels, the righteousnesse of our judgment, can hardly be kept pure and untainted, if they proceed from distracted and restrained mindes.

It is a good rule of the morall philosopher, *Et non lædas mentem gubernatricem omnium actionum.* These powers of parliament are to the body politike as the rationall faculties of the soule to a man. That which keeps all the parts of the common-wealth in frame and temper ought to be most carefully preserved in that freedome, vigour, and activity which belongs to it selfe. Our predecessors in this house have ever bin most carefull, in the first place, to settle and secure their priviledges: and (he said) he hoped that we, having had greater breaches made upon us than heretofore, would bee no lesse tender of them, and forward in seeking reparation for that which is past, and prevention of the like for the time to come.

Particular branches of priviledge.
1. Restraint of speech.
2. Interdict of questions.

Then he propounded diverse particular points, wherein the priviledge of parliament had bin broken.

First, in restraining the members of the house from speaking.

Secondly, in forbidding the speaker to put any question.

These two were practised the last day of the last parliament, (and, as was alledged, by his majesties command;) and both of them entrench upon the very life and being of parliaments; for if such a restraining power as this should take root, and be admitted,

it will be impossible for us to bring any resolution to perfection, in such matters as shall displease those about the king.

Thirdly, by imprisoning diverse members of the house, for matters done in parliament. Imprisonment of members.

Fourthly, by indictments, informations, and judgments in ordinary and inferior courts, for speeches and proceedings in parliaments. Judiciall proceedings.

Fifthly, the disgracefull order of the Kings Bench, whereby some members of this house were enjoyned to put in security of the good behaviour, and for refusall thereof, they were continued in prison diverse yeares, without any particular allegation against them : one of them was freed by death, others not dismissed till his majestie had declared his intention to summon this parliament. And this he noted, not onely as a breach of privilege, but as a violation of the common justice of the kingdome. Order to be bound to the good behaviour.

Sixthly, by the sudden and abrupt dissolution of parliaments, contrary to the law and custome. It hath bin often declared in parliaments, that the parliament should not be dissolved till the petitions bee answered. This (he said) was a great grievance, because it doth prevent the redresse of other grievances. It was a hard case, that a private man should bee put to death without being heard. As this representative body of the commons receives a being by the summons, so it receives a civill death by the dissolution. Is it not a much more heavie doome, by which we lose our being, and have this civill death inflicted on us in displeasure, and not to be allowed time and liberty to answer for our selves ; that we should not only dye, but have this marke of infamy laid upon us, to be made *intestabiles*, disabled to make our wils, to dispose of our business, as this house hath alwayes used to do, before adjournments or dissolutions ? Yet this hath often bin our case : we have not bin permitted to powre out our last sighes and groanes into the bosome of our deare soveraigne : the words of dying men are full of piercing affections. If we might be heard to speak, no doubt we should so fully expresse our love and faithfulnes to our prince, as might take off the false suggestions and aspersions of others ; at least we should, in our humble supplications, recommend some such things to him, in the name of his people, as would make for his honour, and the publike good of his kingdome. Abrupt dissolutions of parliament.

Thus he concluded the first sort of grievances, being such as were against the privilege of parliament, and passed on to the next, concerning religion : all which he conveyed under the four heads. Grievances concerning religion.

1. The first was the great incouragement given to popery, of which he produced these particular evidences : Incouragement of popery.

1. A suspension of all the lawes against papists, whereby they enjoy a free and almost publike exercise of that religion, and those good statutes which were made for restraint of idolatry and superstition are now a ground of security to them in the practice of both, being used to no other end but to get money into the kings purse; which, as it is clearely against the intentions of the law, so it is full of mischiefe to the kingdome. Suspension of lawes.

By this meanes a dangerous partie is cherished and increased, who are ready to close with any opportunitie of disturbing the peace and safety of the state. Yet (he said) he did not desire any new lawes against popery, or any rigorous courses in the execution of those already in force ; he was far from seeking the ruine of their persons or estates, onely he wisht they might bee kept in such a condition as should restraine them from doing hurt.

It may be objected, there are moderate and discreet men amongst them, men of estates, such as have an interest in the peace and prosperity of the kingdome, as well as we. These (he said) were not to be considered according to their own disposition, but according to the nature of the body whereof they are parties : The planets have several and particular motions of their owne, yet they are all rapt and transported into a There can be no security from papists, But in their disability.

contrary course by the superior orbe which comprehends them all. The principles of popery are such as are incompatible with any other religion: there may be a suspension of violence for some by respects, but the ultimate end, even of that moderation, is, that they may with more advantage extirpate that which is opposite to them. Laws will not restraine them, oaths will not: the pope can dispence with both these; and where there is occasion, his command wil act them, to the disturbance of the realme, against their owne private disposition, yea, against their own reason and judgment, to obey him; to whom they have (especially the jesuiticall party) absolutely and entirely obliged themselves, not only in spirituall matters, but in temporall, as they are in order *ad spiritualia*. H. the 3d and H. the 4th of France were no protestants themselve, yet were murthered, because they tolerated the protestants: by which, and many other presidents, it appears that the king, that the kingdome can have no security but in their weaknesse and disabilitie to doe hurt.

Admission into places of power.

2. A 2d incouragement is, their admission into places of power and trust in the common-wealth, whereby they get many dependants and adherents, not only of their own, but even such as make profession to be protestants.

Free resort to London and the court.

3. A third, their freedome of resorting to London and the court, whereby they have opportunity, not only of communicating their counsels and designes one to another, but of diving into his majesties counsels, by the frequent accesse of those who are active men amongst them to the tables and company of great men; and, under subtile pretences and disguises, they want not meanes of cherishing their owne projects, and of indeavouring to mould and biasse the publike affaires, to the great advantage of that partie.

4. A 4th, that as they have a congregation of cardinals at Rome, to consider of the aptest wayes and meanes of establishing the popes authority and religion in England, so they have a nuncio here, to act and dispose that party to the execution of those counsels, and, by the assistance of such cunning and jesuiticall spirits as swarm in this towne, to order and manage all actions and events to the furtherance of that maine end.

Innovations in matters of religion.

2. The second grievance in religion was, from those manifold innovations lately introduced into severall parts of the kingdome, all inclining to popery, and disposing and fitting men to entertaine it: the particulars are these:

Maintenance of popish tenets.

1. Diverse of the chiefest points of religion in difference betwixt us and the papists have bin publikely defended in licensed books, in sermons, in university acts, and disputations.

Practice of popish ceremonies.

2. Diverse popish ceremonies have bin not only practised, but countenanced, yea, little lesse than injoyned, as altars, images, crucifixes, bowings, and other gestures and observances, which put upon our churches a shape and face of popery. He compared this to the dry bones in Ezekiel: first they came together, then the sinewes and the flesh came upon them, after this the skin covered them, and then breath and life was put into them: so (he said) after these men had moulded us into an outward forme and visage of popery, they would more boldly endeavour to breathe into us the spirit and life of popery.

Preferment of men popishly inclined.

3. The third grievance was, the countenancing and preferring those men who were most forward in setting up such innovations: the particulars were so well knowne, that they needed not to be named.

Discouragement of true professors.

4. The fourth was, the discouragement of those who were known to be most conscionable and faithfull professors of the truth: some of the wayes of effecting this he observed to be these:

1. The courses taken to enforce and inlarge those unhappy differences, for matters of

small moment, which have bin amongst our selves, and to raise up new occasions of further division, whereby many have bin induced to forsake the land, not seeing the end of those voluntary and humane injunctions in things appertaining to Gods worship; whereas those who are indeed lovers of religion, and of the churches of God, would seeke to make up those breaches, and to unite us more entirely against the common enemy. Inlargement of differences among ourselves.

2. The over-rigid prosecution of those who are scrupulous in using some things enjoyned, which are held, by those who enjoyn them, to be in themselves indifferent. It hath bin ever the desire of this house, exprest in many parliaments in Q. Elizabeth's time, and since, that such might be tenderly used. It was one of our petitions delivered at Oxford to his majestie that now is: but what little moderation it hath produced, is not unknowne to us all: any other vice almost may be better indured in a minister than inconformitie. Over-rigid prosecution of the scrupulous, for things indifferent.

3. The unjust punishments and vexations of sundry persons, for matters required without any warrant of law: as Unjustpunishments for matters not by law.

For not reading the book concerning recreation on the Lords day. Reading the booke.

For not removing the communion-table, to bee set altarwise at the east end of the chancell. The table set altarwise.

For not coming up to the railes to receive the sacrament. Comming to the railes.

For preaching the Lords day in the afternoone. Preaching upon the Lords day.

For catechising in any other words and manner than in the precise words of the short catechisme, in the common prayer booke. Varying from the catechisme.

The fifth and last grievance, concerning religion, was, the incroachment and abuse of ecclesiasticall jurisdiction: the particulars mentioned are these : Abuse of ecclesiasticall jurisdiction,

1. Fining and imprisoning, in cases not allowed by law. In fining and imprisoning.

2. Their challenging their jurisdiction to be appropriate to their order, which they alledge to be *jure divino.* Claiming jurisdiction to be *jure divino.*

3. The contriving and publishing of new articles, upon which they inforce the churchwardens to take oathes, and to make inquiries and presentments, as if such articles had the force of cannons: and this, he said, was an effect of great presumption and boldnesse, not only in the bishops, but in their archdeacons, officials, and chancellors, taking upon themselves a kind of synodall authority: and the injunctions of this kinde might well partake in name with that part of the common law which is called the extravagants. Articles of the visitations.

Having dispatcht these severall points, hee proceeded to the third part of grievances, being such as are against the common justice of the realm, in the liberties of our persons and proprietie of our estates; of which, (he said,) he had many to propound; in doing whereof, he would rather observe the order of time wherein they were acted, than of consequence; but when hee should come to the cure, hee should then perswade the house to begin with those who were of most importance, as being now in execution, and very much pressing and exhausting the common-wealth. Grievances concerning the liberty of persons and estates.

He began with the tonnage and poundage, and other impositions not warranted by law; and because these burdens had long lyen upon us, and the principles which produced them are the same from whence diverse other are derived, he thought it necessary to premise a short narrative and relation of the grounds and proceedings of the power of imposing herein practised. It was (he said) a fundamentall truth, essentiall to the constitution and government to this kingdome, an hereditary liberty and priviledge of all the free-borne subjects of the land, that no tax, tallage, or other charge, might be laid upon us without common consent in parliament. This was acknowledged by the Conqueror, ratified in that contract which hee made with this nation upon his admittance to the kingdome, declared and confirmed in the lawes which he published. Tonnage and poundage impositions. Not to be taken but by consent in parliament. Acknowledged by the Conqueror.

This hath never bin denyed to any of our kings, though broken and interrupted by

Sometimes broken by other kings, but never denyed.
Those breaches repaired by succeeding parliaments.

some of them, especially by K. John and Hen. 3., then again confirmed by Mag. Chart., and other succeeding lawes, yet not so well settled, but that it was sometime attempted, by the two succeeding Edwards, in whose times the subjects were very sensible of all the breaches made upon the common libertie, and, by the opportunitie of frequent parliaments, pursued them with fresh complaints, and, for the most part, found redresse, and procured the right of the subject to be fortified by new statutes.

Some mixture of evidence for the subject in these very breaches.

He observed, that those kings, even in the acts whereby they did break the law, did really affirme the subjects liberty, and disclaime the right of imposing, which is now chalenged; for they did usually procure the merchants consent to such taxes as were laid, therby to put a colour of justice upon their proceeding; and ordinarily they were limited to a short time, and then propounded to the ratification of the parliament, where they were cancelled or confirmed, as the necessity and state of the kingdome did require.

The grant by parliament most usuali. At first variously limited in respect of time and persons. Afterwards confirmed to the king for life.

But, for the most part, such charges upon merchandize were taken by authority of parliament, and granted for some short time, in a greater or lesser proportion, as was requisite for supply of the publike occasions; 6 or 12 in the pound, for one, two, or three years, as they saw cause, to be employed for the defence of the sea; and it was acknowledged so clearly to be in the power of parliament, that they have sometimes bin granted to noblemen, sometimes to merchants, to be disposed for that use. Afterwards, they were granted to the king for life, and so continued for divers descents, yet still as a gift and grant of the commons.

No contrary practice betweene Ed. 3. and Q. Mary. Pretended equity for the custom upon cloth. The grounds of the pretermitted custom.

Betwixt the time of Ed. the Third and Q. Mary, never prince (that he could remember) offered to demand any imposition but by grant in parliament. Q. Mary laid a charge upon cloth, by the equity of the statute of tunnage and poundage, because the rate set upon wool was much more than upon cloth; and there being little wool carried out of the kingdom unwrought, the Q. thought she had reason to lay somewhat more, yet not ful so much as brought them to an equallity, but that there stil continued a lesse charge upon wool wrought into cloth than upon wool carried out unwrought; until K. James's times, when, upon Nicholsons project, there was a further addition of charge, but still upon pretence of the statute, which is that we call the pretermitted custome.

Bates case.

In Q. Eliz. time, one or two little impositions crept in, the general prosperity of her raign overshadowing small errours and innovations: one of these was upon currans, by occasion of the merchants complaints that the Venetians had laid a charge upon the English cloth, that so we might be even with them, and force them the sooner to take it off: this being demanded by K. James, was denied by one Bates a merchant, and, upon a suit in the exchequer, was adjudged for the king.

The judgment therein for the king.

The manner of which judgment was thus: There were then but three judges in that court, all differing from one another in the grounds of their sentences. The first was of opinion, the king might impose upon such commodities as were forraigne and superfluous, as currans were, but not upon such as were native, and to be transported, or necessary, and to be imported for the use of the kingdom. The second judge was of opinion, he might impose upon all forraign merchandize, whether superfluous or no, but not upon native. The third, that for as much as the king had the custody of the ports, and the guard of the seas, and that he might open and shut up the ports as he pleased, he had a prerogative to impose upon all merchandize, both exported and imported.

Resulting from different opinions of the judges.

The only foundation of the power of imposing.

This single, distracted, and divided judgment is the foundation of all the impositions now in practice; for, after this, K Jam. laid new charges upon all commodities, outward and inward, not limited to a certaine time and occasion, but reserved to himselfe, his heires and successors, for ever, the first impositions in fee-simple that were ever heard of in this kingdome. This judgment, and the right of imposing thereupon as-

sumed, was a question in *septimo et duodecimo* of that king, and was the cause of the breach of both those parliaments. In 18. and 21. Jacobi, it was declined by this house, that they might preserve the favour of the K., for the dispatch of some other great businesses, upon which they were more especially attentive.

followed with complaints, and preserved by breaches of Parliaments.

In 1 of his majesty, it necessarily came to be remembered, upon the proposition, on the kings part, for renewing the bill of tonnage and poundage; but so moderate was that parliament, that they thought rather to confirme the impositions already set by a law to be made, than to abolish them by a judgement in parliament: but that and divers insuing parliaments have been unhappily broken before that endeavour could be accomplished; only, at the last meeting, a remonstrance was made concerning the liberty of the subject in this point; and it hath alwayes been exprest to be the meaning of the house, and so it was (as hee said) his own meaning in the proposition now made, to settle and restore the right according to law, and not to diminish the kings profit, but to establish it by a free grant in parliament.

The reddresse desired without diminution the kings profit.

Since the breach of the last parliament, his majesty hath, by a new book of rates, very much increased the burden upon merchandize; and now tonnage and poundage, old and new impositions are all taken by prerogative, without any grant in parliament, or authority of law, as we conceive; from whence divers inconveniences and mischiefes are produced.

New burdens since the last parliaments. Divers mischiefes from these grievances.

1. The danger of the president, that a judgement in one court, and in one case, is made binding to all the kingdome.

The Kingdom bound by one private case.

2. Mens goods are seized, their legall suits are stopped, and justice denied to those that desire to take the benefit of the law.

Interruption of Justice.

3. The great summes of money received upon these impositions, intended for the guard of the seas, claimed and defended upon no ground but of publike trust, for protection of merchants, and defence of the ports, are despersed to other uses, and a new taxe raised for the same purposes.

Misimployment of the sumes received.

4. These burdens are so excessive, that trade is thereby very much hindered, the commodities of our owne groweth extreamely abased, and those imported much inhaunsed; all which lies not upon the merchant alone, but upon the generalty of the subject; and by this meanes the stocke of the kingdome is much diminisht, our exportation being lesse profitable, and our importation more chargeable. And if the warres and troubles in the neighbour parts had not brought almost the whole streame of trade into this kingdom, we should have found many more prejudicial effects of these impositions, long before this time, than yet we have done; especially, they have been insupportable to the poor plantations, whither many of his majesties subjects have been transported, in divers parts of the continent, and islands of America, being a designe tending to the honour of the kingdome, and the inlargement of his majesties dominions. The adventurers in this noble worke have, for the most part, no other support but tobacco, upon which such a heavy rate is set, that the king receives twice as much as the true value of the commoditie to the owner.

The burdens excessive.

To the American plantations especially.

5. Whereas these great burthens have caused divers merchants to apply themselves to a way of traffique abroad, by transporting goods from one country to another, without bringing them home into England,—it hath been lately endeavoured to set an imposition upon this trade, so as the king will have a duty out of those commodities which never came within his dominions, to the great discouragement of such active and industrious men.

Impositions upon trade intercoursory.

The next generall head of civill grievances was, inforcing men to compound for knighthood, which, though it may seeme past, because it is divers years since it was used, yet upon the same grounds the king may renew it as often as he pleaseth; for the composition lookes backward, and the offence continuing, is subject to a new fine. The state of that businesse he layed downe thus:

Compositions for knighthood.

The original ground of the charge.

Heretofore, when the services due by tenure were taken in kind, it were fit there should be some way of tryall and approbation of those that were bound to such services; therefore it was ordained, that such as were to do knights service after they came of age, and had possession of their lands, and should be made knights, that is, publikely declared to be fit for the service, divers ceremonies and solemnities were in use for this purpose; and if, by the parties neglect, this was not done, he was punishable by fine; there being in those times an ordinary and open way to get knighthood for those who were born to it.

An old grievance in the kind.

New in the manner and excesse.

Although the use of this hath for divers ages been discontinued, yet there have past very few kings under whom there hath not bin a general summons, requiring those who had lands of such value as the law prescribes, to appear at the coronation, or some other great solemnity, and to be knighted; and yet nothing intended, but the getting of some small fines: so as this grievance is not altogether new in the kind, though it be new in the manner and in the excesse of it, and then in divers respects.

Respect of.

1. First, it hath been extended beyond all intention and colour of law, not only inne-holders, but likewise lease-holders, copy-holders, merchants, and others, scarce any man free from it.

The generality. Greatnesse of fines.

2. The fines have been immoderate, far beyond the proportion of former times.

Multiplication of distresses and issues.

3. The proceedings have been without any example, president, or rule of justice; for though those that were summoned did appeare, yet distresses infinite were made out against them, and issues increased and multiplied, and no way open to discharge those issues, by plea or otherwise, but only by compounding with the commissioners, at their own pleasure.

Monopolies introdueed by thesope patent, undertaken by papists.

3. The third was, the great inundation of monopolies, whereby heavy burthens are laid, not only upon forraigne, but also native commodities. These began in the sope patent: the principal undertakers in this were divers popish recusants, men of estate and quality, such as, in likelyhood, did not only aime at their private gain, but, by this open breach of law, the king and his people might be more fully divided, and the wayes of parliament-men more thoroughly obstructed. Amongst the infinite inconveniences and mischiefes which this did produce, these few may be observed:

Full of mischiefe.

1. The price of commodities increast, and goodness abated.

1. The impairing the goodnesse and inhancing the price of most of the commodities and manufactures of the realme, yea, of those who are of most necessary and common use, as salt, sope, beere, coles, and infinite others.

Restraint of trade.

2. That, under colour of licences, trades and manufactures are restrained to a few hands, and many of the subjects deprived of their ordinary way of livelyhood.

Illegal imprisonment, and vexatious shipmoney.

3. That upon such illegal grants, a great number of persons had bin unjustly vexed, by pursevants, imprisonments, attendance upon the councell-table, seisure of goods, and many other wayes.

Aggravated, not supported by the judgement: Which is not grounded upon any law, custom, president, or authority of law-bookes.

4. The fourth, that great and unparalleled grievance of the ship-money, which, though it may seeme to have more warrant of law than the rest, because there hath a judgement past for it, yet, in truth, it is thereby aggravated, if it be considered, that that judgement is founded upon the naked opinion of some judges, without any written law without any custome, or authority of law broken, yea, without any one president for it; many expresse laws, many declarations in parliaments, and the constant judgement and practise of all times being against it; yea, in the nature of it, it will be found to be disproportionable to the case of necessity which is pretended to be the ground of it.

The course unproper for a case of necessity.

Necessity excludes all formalities and solemnities: it is no time then to make levies and taxes, to build and prepare ships; every mans person, every mans ships are to be imployed for the resisting of an invading enemy: the right on the subjects part was so cleare, and the pretences against it so weake, that hee thought no man would venture his reputation or conscience in the defence of that judgement, being so contrary to the

grounds of the law, to the practise of former times and so inconsistent in itself. Amongst many inconveniences and obloquies of this grievance, he noted these : Abounding in variety of mischiefes.

1. That it extendeth to all persons and to all times: it subjected our goods to distresse, and our persons to imprisonment; and the causes of it being secret and invisible, referred to his majesties brest alone, the subject was left without possibility of exception and relief. The general extent, and remedilesse condition.

2. That there was no rules or limits for the proportion, so that no man knew what estate he had, or how to order his course or expences. Arbitrary proportion.

3. That it was taken out of the subjects purse by a writ, and brought into the kings coffers by instructions from the lords of his most honourable privy-councell. In the legall defence of it, the writ only did appeare ; of the instructions there was no notice taken, which yet, in the reall execution of it, were most predominant. It carries the face of service in the writ, and of revenue in the instructions If this way had not been found to turn the ship into money, it would easily have appeared how incompatible this service is with the office of a sheriffe in the inland counties, and how incongruous and inconvenient for the inhabitants. The law, in a body politike, is of like nature, which alwayes prepareth and disposeth proper and fit instruments and organs for every naturall operation. If the law had intended any such charge as this, there should have beene certaine rules, suitable meanes and courses, for the levying and managing of it. Imposed by writ, disposed by instructions. Improper for the sheriffes. Unprovided for by law.

5. The fifth was, the inlargement of the forrests beyond the bounds and perambulations appointed and stablished by act of parliament, twenty seven and twenty eight Edward the First, and that this is done upon the same reasons and exceptions which had beene on the kings part propounded, and by the commons answered in parliament, not long after that establishment. It is not unknowne to many in this house, that those perambulations were the fruit and effect of that famous charter which is called *charta de forresta*, whereby many tumults, troubles, and discontents had beene taken away and composed between the king and his subjects; and it is ful of danger, that, by reviving those old questions, we may fal into the like distempers. Inlargement of forrests, Against expresse statutes. Charta de forresta made uselesse.

He said, that hereby no blame could fall upon that great lord who is now justice of eyre, and in whose name these things were acted. It should not be expected that he should take notice of the lawes and customes of the realme; therefore he was careful to procure the assistance and direction of the judges; and if any thing were done against law, it was for them to answer, and not for him. Justice in eyre clered. The answer lies upon the judges.

The particular irregularities and obliquities of this businesse were these : Particular obliquities.

1. The surreptitious procuring a verdict for the king, without giving notice to the countrey, whereby they might be prepared to give in evidence for their owne interest and indemnity, as was done in Essex. Surreptitious proceedings.

2. Whereas the judges in the justice-seat in Essex were consulted with about the entry of the former verdict, and delivered their opinion touching that alone, without medling with the point of right, this opinion was after inforced in other counties, as if it had beene a judgement upon the matter, and the councell for the countie discountenanced in speaking, because it was said to be already adjudged. A judgment pretended.

3. The inheritance of divers of the subjects have been hereupon disturbed, after the quiet possession of three or foure hundred years, and a way open for the disturbance of many others. The subject disturbed.

4. Great sums of money have bin drawn from such as have lands within these prefended bounds ; and those who have forborne to make composition have been threatned with the execution of the forrest lawes. Inforced to compound for great fines.

The fifth was, the selling of nusances, or at least some such things as are supposed to be nusances.

The legall tryal of nusances omitted.

The king, as father of the common-wealth, is to take care of the publike commodities and advantages of his subjects, as rivers, highways, common-sewers, and such like, and is to remove whatsoever is prejudiciall to them; and for the tryall of those, there are legall and ordinary writs of *ad quod damnum*: but, of late, a new and extrajudiciall way hath been taken of declaring matters to be nusances, and divers have thereupon been questioned, and if they would not compound, they have been fined: if they do compound, that which was first prosecuted as a common nusance is taken into the kings protection, and allowed to stand; and having yeelded the king mony, no further care is taken whether it bee good or bad for the common-wealth. By this, a very great and publike trust is either broken or abused. If the matter compounded for be truly a nusance, then it is broken, to the hurt of the people; if it bee not a nusance, then is it abused, to the hurt of the party. The particulars mentioned were,

A new extrajudiciall way practised.

Compositions inforced, and

A publike trust broken and abused.

Commission for building.

1. The commission for buildings in and about this town, which heretofore hath bin presented by this house as a grievance in King James his time, but now of late the execution hath beene much more frequent and prejudiciall than it was before.

Depopulations.

Secondly, commission for depopulations, which began some few yeares since, and is still in hot prosecution.

The several mischiefes of both.

By both these the subject is restrained from disposing of his owne. Some have been commanded to demolish their houses, others have been forbidden to build; others, after great trouble and vexation, have been forced to redeeme their peace with large summes; and they still remaine, by law, as lyable to a new question as before; for it is agreed by all, that the king cannot licence a common nusance; and although, indeed, these are not such, yet it is a matter of very ill consequence, that, under that name, they should be compounded for, and may, in ill times, be made a president for the kings of this realme to claime a power of licensing such things as are nusances indeed.

Military charges.

The seventh, the military charges laid upon the severall counties of the kingdome, sometimes by warrant under his majesties signature, sometimes by letters from the councell-table, and sometimes (such hath been the boldness and presumption of some men) by the order of the lord-lieutenants, or deputy-lieutenant alone.

A growing evil.

Coat and conduct money, how practised by Queen Elizabeth.

This is a growing evill, still multiplying and increasing from a few particulars to many, from small summes to great. It began first to be practised as a loane, for supply of coat and conduct money; and for this it hath some countenance, from the use in Q. Eliz. time, when the lords of the councell did often desire the deputy-lieutenants to procure so much mony, to be laid out in the country, as the service did require, with a promise to pay it againe in London; for which purpose there was a constant warrant in the exchequer. This (he said) was the practice in her time, and in a great part of King James, and the payments so certain, as it was little otherwise than taking up mony upon bills of exchange. At this day, they follow these presidents in the manner of the demand, (for it is with a promise of a repayment,) but not in the certainty and readines of satisfaction.

Muster-masters wages.

The first particular brought into a tax (as he thought) was the muster-masters wages, at which many repined; but being for small summes, it began to be generally digested: yet, in the last parliament, this house was sensible of it; and, to avoyd the danger of the president, that the subjects should bee forced to make any payments without consent in parliament, they thought upon a bill, that may bee a rule to the lieutenants what to demand, and to the people what to pay. But the hopes of this bill were dasht, in the dissolution of that parliament. Now, of late, divers other particulars are growing into practice, which make the grievances much more heavy: those mentioned were these:

Pressing.

1. Pressing men against their will, and forcing them which are rich, or unwilling to serve, to find others in their place.

2. The provision of publike magazines for powder, and other munition, spades, and pick-axes. Publike magazines.

3. The salary of divers officers, besides the muster-master. Salary of officers.

4. The buying of cart-horses and carts, and hyring of carts for carriages. Cart-horses and carts.

The eighth, the extrajudiciall declarations of judges, whereby the subjects have beene bound in matters of great importance, without hearing of counsell, or argument on their part, and are left without legall remedy, by writ of errour, or otherwise. He remembered the expression used by another member of the house, of a teeming parliament: this (he said) was a teeming grievance: from hence have issued most of the great grievances now in being; the ship-money, the pretended nusances, already mentioned, and some others, which have not yet been toucht upon, especially that concerning the proceedings of ecclesiasticall courts. Extrajudiciall declarations of judges. A teeming grievance.

The ninth, that the authority and wisdom of the councell-table have bin applyed to the contriving and managing of several monopolies, and other great grievances. He said, the institution of the councell-table was much for the advantage and security of the subject, to avoid surreptions and precipitate courts in the great affaires of the kingdome: That, by law, an oath is to be taken by all those of the kings counsell, in which, among other things, it is exprest, that they should for no cause forbeare to doe right to all the kings people; and if such an oath be not now taken, he wisht it might be brought into use againe. Monopolies countenanced by the councell-table. The ancient oath of councellours.

It was the honour of that table to bee, as it were, incorporated with the king; his royall power and greatnesse did shine most conspicuously in their actions and in their counsels. We have heard of projectors and resurees heretofore, and what opinion and relish they have found in this house is not unknowne. But that any such thing should bee acted by the councell-table which might give strength and countenance to monopolies, as it hath not beene used till now of late, so it cannot be apprehended, without the just grief of the honest subject, and incouragement to those who are ill affected. Their trust and dignity.

He remembred that, in *tertio* of king,

A noble gentleman, then a very worthy member of the commons house, now a great lord, an eminent councellour of state, did, in this place, declare this opinion concerning that clause used to bee inserted in pattents of monopoly, whereby justices of peace are commanded to assist the pattentees: this he urged as a great dishonour to those gentlemen which are in commission, to be so meanely employed: with much more reason may we, in jealousie of the honour of the councell-table, humbly desire that their precious time, their great abilities, designed to the publike care and service of the kingdome, may, perhaps, not receive such a staine, such a diminution, as to be employed in matters of so ill report, in the estimation of the law, of so ill effect, in the apprehension of the people. Much diminished and debased. By being employed in matters of such ill report.

The tenth, the high court of star-chamber, which some think succeeded that which, in the parliament-rolles, is called *magnum concilium*, and to which parliaments were wont so often to referre those important matters which they had no time to determine. This court, which, in the late restauration or erection of it, in Henry the Seventh's time, was especially designed to restraine the oppression of great men, and to remove the obstructions and impediments of the law: this, which is both a court of councell and a court of justice, hath beene made an instrument of erecting and defending monopolies and other grievances, to set a face of right upon these things which are unlawful in their owne nature,—a face of publike good upon such as are pernicious in their use and execution. The soape-patent, and diverse other evidences thereof may be given, so well knowne, as not to require a particular relation: and, as if this were not enough, this court hath lately intermedled with the ship-money; diverse sheriffes have been questioned for not levying and collecting such sums as their counties have beene charged with: and if this beginning be not prevented, the star-chamber will become a court of reve- Star-chamber a great councell. A court erected against oppression. Applyed the establishing of monopolies

To the recovery of ship money.

nue, and it shall be made a crime not to collect or pay such taxes as the state shall require.

The kings edicts and proclamations

The eleventh, he said, he was gone very high, yet hee must goe a little higher. That great and most eminent power of the king, of making edicts and proclamations, which are said to bee *leges temporis*, with whom our princes have used to encounter with sudden and unexpected danger, as would not endure so much delay as assembling the great councell of the kingdome,—this, which is one of the most glorious beames of majestie, rigorous in commanding reverence and subjection, to our unspeakable griefe, hath been often exercised for the enjoyning and maintaining sundry monopolies, and other grants, exceeding burdensome and prejudiciall to the people.

For the erecting monopolies.

The word and truth of God

The twelfth, although hee was come as high as he could upon earth, yet the presumption of evill men did leade him one step higher, even as high as Heaven, as high as the throne of God. It was now, he said, growne common for ambitious and corrupt men of the clergie to abuse the truth of God and the bond of conscience, preaching downe the lawes and liberties of the kingdome, pretending divine authority for an absolute power in the king to doe what he would with our persons and goods: this hath been often published in sermons and printed books, and is now the high way to preferment.

Pretended for the absolute power of kings.

The offence of D. Mannering

The last parliament, we had a sentence, for an offence of this kinde, against one Mannering, then a doctor, now a bishop, concerning whom (hee said) hee would say no more but this, that when he saw him at his barre, in the most humble, dejected posture that ever he observed, hee thought he would not so soone have leapt into a bishops chaire; but his successe hath emboldened others: therefore (hee said) this may well bee noted as a double grievance, that such doctrine should be allowed, that such men should be preferred; yea, as a roote of grievances, whereby they indeavour to corrupt the kings conscience, and, as much as in them lyes, to deprive the people of that royall protection to which his majestie is bound by the fundamentall lawes of the kingdom, and his own personall oath.

Now practised by others,

To the great hurt and grievance of the people.

The intermission of parliaments.

The thirteenth, the long intermission of the parliaments, contrary to the two statutes yet in force, whereby it is appointed there should be parliaments once a-yeare, at the least, and most contrary to the publike good of the kingdome; for this being well remedied, would produce remedies for all the rest.

The subjects grievances hurtfull to the king,

Having put through the severall heads of grievances, hee came to the second maine branch propounded in the beginning,—that the disorders from whence these grievances issued were as hurtfull to the king as to the people; of which he gave diverse reasons:

By interrupting their communion.

1. The interruption of the sweet communion which ought to be betwixt the king and his people, in matters of grace and supply.

They have need of him, by his generall pardon to bee secured from projectors and informers, to be freed from obsolete lawes, from the subtle devices of such as seeke to restraine the prerogative to their own private advantage, and the publike hurt; and he hath need of them, for counsell and support in great and extraordinary occasions. This mutuall entercourse would so weane the affections and interests of his subjects into his actions and designes, that their wealth and their persons would bee his, his owne estate would be managed to most advantage, and publike undertakings would bee prosecuted at the charge and adventure of the subject. The victorious attempts, in Queene Elizabeth's time, upon Portugall, Spaine, and the Indies, were, for the greatest part, made upon the poore subjects purses, and not upon the queen's, though the honour and profit of the successe did most accrew to her.

By domestical breaches and discontentments.

2. Those often breaches and discontentments betwixt the king and the people are very apt to diminish his reputation abroad, and disadvantage his treaties and alliances.

By weakning his partie abroad.

3. The apprehension of the favour and incouragement given to popery hath much weakned his majesties party beyond the sea, and impared that advantage which Queen

Elizabeth and his royall father hath heretofore made, of being heads of the protestant union.

4. The innovations in religion, and rigour of ecclesiasticall courts, have forced a great many of his majesties subjects to forsake the land, whereby not only their persons and their posterity, but their wealth and their industry are lost to this kingdome, much to the demolishing of his majesties customs and subsidies. Amongst other inconveniences, this was especially to bee observed, that diverse clothiers, driven out of the country, had set up the manufacture of cloth beyond the seas, whereby this state is like to suffer much, by abatement of the price of wools, and by want of imployment for the poore, both which likewise tend to his majesties particular losse.

By forcing his subjects to leave the kingdom.

5. It puts the king upon unproper wayes of supply, which, being not warranted by law, are much more burdensome to the subject than advantageous to his majesty. In France, not long since, upon a survey of the kings revenue, it was found that two parts in three never came to the king's purse, but were diverted to the profit of the officers or ministers of the crowne; and it was thought a very good service and reformation to reduce two parts to the king, leaving still a third part to the instruments as were imployed about getting it in. It may well be doubted, that the king may have the like or worse successe in England, which appeares already in some particulars.

By improper wayes to supply.

The king hath reserved upon this monopoly of wines 30 thousand pound rent a-yeere; the vintners pays 40 shillings a tun, which comes to ninty thousand pounds. The price, upon the subject, by retaile, is increased two pence a quart, which comes to eight pound a tun, and, for 45000 tun, brought in yeerely, amounts to 3 hundred 60 thousand pounds, which is 3 hundred and 30 thousand pounds losse to the kingdome, above the kings rent. Other monopolies, as that of soape, have been very chargeable to the kingdome, and brought very little treasure into his majesties coffers.

The law provides for that revenue of the crowne, which is natural and proper, that it may be safely collected and brought to account; but this illegall revenue, being without any such provision, is left to hazard and much uncertainty, either not to be retained, or not duly accounted of.

6. It is apt to weaken the industry and courage of the subject, if they be left uncertain whether they shall reap the benefit of their own paines and hazard. Those who are brought into the condition of slaves will easily grow to a slavish disposition, who, having nothing to lose, doe commonly shew more boldnesse in disturbing than of defending a kingdome.

By weakning the industry and courage of the subject.

7. These irregular courses do give opportunity to ill instruments to insinuate themselves into the kings service; for wee cannot but observe, that if a man be officious in furthering their inordinate burdens of ship-money, monopolies, and the like, it varnisheth over all other faults, and makes him fit both for imployment and preferment; so that, out of their offices, they are furnish'd for vast expences, purchases, buildings; and the king loseth often more, in desperate debts, at their deaths, than he got by them all their lives: whether this were not lately verified in a westerne man, much imployed while he lived, he leaves to the knowledge of those who were acquainted with his course; and he doubted not but others might be found in the like case.

By introducing ill instruments into the kings service.

Those that are affected to popery, to prophanesse, and to superstitious innovations in matters of religion, all kinde of spies and intelligencers, have meanes to be countenanced and trusted, if they will be but zealous in these kinde of services, which how much it detracts from his majestie, in honour, in profit, and prosperity of publike affaires, lies open to every man's apprehension: and from these reasons, or some of them, he thought it proceeded that, through the whole course of the English story, it might be observed, that those kings who had bin most respectfull of the lawes, had bin most eminent in greatnesse, in glory, and successe, both at home and abroad; and that others,

who thought to subsist by the violation of them, did often fall into a state of weaknesse, poverty, and infortunitie.

By diverting the kings thoughts from divers great and hopeful enterprises.

8. The differences and discontents betwixt his majestie and the people at home have, in all likelyhood, diverted his royall thoughts and councells from those great opportunities which he might have, not only to weaken the house of Austria, to restore the Palatinate, but to gain to himself a higher pitch of power and greatnesse than any of his ancestor s

It is not unknown how weak, how distracted, how discontented the Spanish colonies are in the West Indies. There are now in those parts, in New England, Virginia, and the Caribe Islands, and in the Bermudos, at least 60,000 able persons of this nation, many of them well armed, and their bodies seasoned to that climate, which, with a very small charge, might be set down in some advantageous parts of these pleasant, rich, and fruitfull countreys, and easily make his majestie master of all that treasure, which not only foments the war, but is the great support of popery in all parts of Christendom.

By producing many chargeable distempers.

9. Lastly, those courses are apt to produce such distempers in the state, as may not be settled without great charge and losse, by which means more may be consumed in a few moneths than shall be gotten by such wayes in many yeeres.

The wayes of remedying their grievances.

Having past through the two first generall branches, he was now come to the third, wherein he was to set downe the wayes of healing and removing those grievances, which consisted of two maine branches: first, in declaring the law, where it was doubtfull; the second, in better provision for the execution of the law where it is cleere: but (he said) because he had already spent much time, and began to find some confusion in his memory, he would refer the particulars to another opportunity, and, for the present, only move that which was generall to all, and would give waight and advantage to all the particular wayes of redresse; that is, that we should speedily desire a conference with the lords, and acquaint them with the miserable condition wherein we find the church and state; and as wee have already resolved to joyn in a religious seeking of God, in a day of fast and humiliation, so to intreat them to concur with us, in a parliamentary course, of petitioning the king, as there should be occasion, and in searching out the causes and remedies of these many insupportable grievances under which we lye; that so, by the united wisdome and authority of both houses, such courses may bee taken as (through God's blessing) may advance the honour and greatnesse of his majesty, and restore and establish the peace and prosperity of the kingdome.

This (hee said) wee might undertake with comfort and hope of successe; for though there bee a darknesse upon the land, a thicke and palpable darknesse, like that of Egypt, yet, as in that, the sunne has not lost his light, nor the Egyptians their sight; the interruption was onely in the medium: so with us there is still (God bee thanked) light in the sunne, wisdome and justice in his majestie, to dispell this darknesse; and in us there remains a visuall faculty, whereby wee are inabled to apprehend, and moved to desire light; and when wee shall be blessed in the enjoying of it, we shall thereby be incited to returne his majesty such thankes as may make it shine more cleerely in the world, to his owne glory, and in the hearts of his people, to their joy and contentment.

The Troublesome Life and Raigne of King Henry the Third; wherein five Distempers and Maladies are set forth, viz.

1: By the pope and church-mens extortions.
2. By the places of best trust bestowed upon unworthy members.
3. By patents and monopolies for private favourites.
4. By needlesse expences and pawning of jewels.
5. By factious lords and ambitious peeres.

Sutable to these unhappie times of ours; and continued with them till the King tied his actions to the rules of his great and good Councell, and not to passionate and single advice.

Written some years since, by that learned antiquary of this kingdom, Sir Robert Cotton, Knight and Baronet; presented to K. James, of ever blessed memory, 1642.

This parallel between the life of Henry III. and that of Charles I. appears to have been published shortly after the king's summoning the town of Hull. To understand its full import, it is only necessary to recal the principal historical events which led to the civil war. The name of Sir Robert Cotton is used to give the greater weight to the argument; and we may be readily satisfied, that a story calculated to run in parallel with the various events of the reign of Charles I. could not be presented to his father, of blessed memory.

Wearie in the lingering calamities of civill armes, and affrighted at the sudden downfall of a licentious soveraigne, all men stood at gaze, expecting the event of their long desires, peace, and the issue of their new hopes, benefit; for in everie shift of princes, there are ew either so meane or modest, that pleasure not themselves with some probable object of preferment.

To satisfie all, a child ascendeth the throne, mild and gracious, but easie of nature, whose innocencie and naturall goodnesse led him along the various dangers of his fathers raigne. Happy was hee in his uncle the earle of Pembroke, the guide of his infancie, and no lesse for thirtie yeares, whilst De Burgo, the last servant of his fathers against the French, both in Normandy and England, with Bigot, earle of Norfolk, and others of like gravitie and experience, did manage the affaires. Five, and no more, were the distempers then in state, but such as are incident in all,—the commons greedy of libertie, as the nobilitie of rule; and but one violent, raised by some old and constant followers of his fathers, Fulio de Brent, De Fortbus, and others; men that could only thrive by the wars, misliking those dayes of sloth, (for so they termed that calme of King Henries reigne;) and rather, because the justice of quietnesse urged from them, to the lawfull owners, such lands and castles as the furie of war had unjustly given them; for finding, in the uprightnesse of the king, that protection could not be made a wrong doer, they fell out into the rebellion which ended their lives and competitions; professing their swords, that had set the crowne upon the soveraigne, should now secure those small pittances, when majestie and law could not.

Dangerous are too great benefits to subjects of their princes, when it maketh the mind capable only of merit, nothing of dutie.

No other disquiet did the state after this feele, but such as are incident to all; malice to authoritie: goodenesse and greatnesse may secure themselves from guilt, but not from envie; for highest in trust in publike affaires are still shot at by the aspiring of those that see themselves lesse in employment than they deeme in merit. Those vapours did ever and easily vanish, so long as the helme was guided by wise and temperate spirits, and the king tyed his actions to the rules of good counsell, and not to young, passionate, and single advice.

Thirtie yeares now passed, and all the old guides of his youth dead, but De Burgo, a man in whom nothing of worth was wanting but moderation, whose length of dayes giving him the advantage of sole power, his owne ambition and age gave him desire and art to keep out others. This bred to him the fatal envie of most, which the proud title of earle, and offices then bestowed on him, much increased. Sin by this had wrought, as in it selfe, so in the affection of the people, a revolution; the affection of their fathers forgotten, and the surfet of long peace having led them perchance into some abuses. From thence the commons (to whom everie dayes presence seeme worst) commend the forgone ages; they never remembred and condemne the present, though they knew neither the disease thereof, nor the remedie. To this idle and usuall humour fals in some noble spirits, warme and overweening, who, being as truly ignorant as the rest, first, by sullying the wisdome of the present and greatest rulers, making each casuall hap their errour, seeme to decypher everie blemish in government, and then by holding certaine imaginarie and fantasticall formes of common-weale, flatter their owne beleefes and abilities that they could mould any state to those generall rules, which, in particular applications, will prove them grosse and idle absurdities, confirmed in their owne worths by Sommers and Spencer: they take it a fit time to work themselves into action and authoritie, now a thing they long desired, and thought unwilling to seeme to sue for.

Doubtlesse, the surest in their aimes was yet to become quiet instruments in serving the state, if they had been held worthy; but the king, taught by the new earle, *consilia senum hastas juvenum esse*, and that such wits, for so they would be stiled, *novandis quam gerendis aptiores*, fitter in being fierie to disorder than to settle affaires, either delayed or denyed their desires; for wise princes will ever chuse their instrument, *negotiis et nonsupra*, creatures out of free election, that are only otherwise without freenesse or power.

Among this unequall medley there were of nobilitie, Pembroke, Glocester, Hartfield, darlings of the multitude; some for the merits of their fathers, whose memories they held sacred, as pillars of publike libertie, and oppressours of encroaching monarchie. Others of the genterie, Fitz-Geffery, Bardolfe, Grisby, Mansell, and Fitz-John, spirits of as much acrimony and arrogant spleene as the places from whence they were elected, camp, court, or countrey, could afford any. These by force would effect what by cunning the others did effect; but all impatient to see their ends thus frustrate, and that so long as the king followed the directions of the earle of Kent they had small hopes of their desires. They made often meetings; and, as one saith of them, *clam nocturnis colloquiis aut flexa in vesperum diem.* At last, Sommers and Spencer, two that were far in opinion with the rest, gentlemen that, by forraine education and employment, were better qualified than usually men of those times, and that set upon their owne deserts the best places when the streame should turne, which some of them did unworthily obtaine, (for he died in actuall rebellion, *justiciarius Angliæ*, against his majesty,) advised that the surest means to remove the great and good obstacle, the earle of Kent, out of the way of their advancement, was, by sifting into his actions, and siding with his enemie, Peter, bishop of Winchester, an evill man, but gracious with the king;

aiming that the worthiest driven out by the worst, they should ever be able to match him with his owne vices, which will be more visible as he is more potent, and so remove him at pleasure; or else give over the king to such ministers as, losing him the hearts of the people, might smooth him a way to their bad desires: *honores quos quieta rep. desperant, perturbata consequi se posse arbitrantur.*

This counsell heard and approved, and put in execution, the corrupt and ambitious bishop is easily ensnared to their part, by money, and opinion of greater power. Articles are in all hast forged and urged against the earle; as, sale of the crowne lands, waste of the kings treasure, and, lastly, that which those doubtfull times held capitall, giving allowance to any thing that might breed a rupture between the subjects and the soveraigne, as he had done in making way with the king to annihilate patents granted in his nonage, and enforced his subjects to pay, as the record saith, *Non juxta singulorum facultatem, sed quicquid justiciarius estimabat.* Well, he cleared himself of all but the last, and did worthily perish by it; for acts that fill princes coffers are commonly the ruine of the first inventors. Bad times corrupt good counsels, and make the ministers yeeld to the lust of princes; but this king cannot therefore passe blamelesse, that would so easily banish all former merits of so good a servant, for that himselfe was therein chiefe in fault: but princes natures are more voluble and more sooner cloyed than others, more transitorie their favours; and as their minds are large, so they easily overlook their first elections, having no further necessitie in the fastnesse of their affections than their owne satisfaction.

The bishop now alone manageth the state, chuseth his chiefe instrument, Peter de Rivallis, a man like himselfe, displaceth the natives, and draweth Poytovins and Britons into offices of best truth and benefit, and the king into evill opinion of his people; for nothing is more against the nature of the English than to have strangers rule over them. Of this mans time, Wendover, an author then living, saith, *Judicia committuntur injustis leges ex legibus, pax discordantibus, justitia, injuriosis.* Thus the plot of the tumultuous barons went cleere; and had not the discreet bishop calmed all with dutifull perswasions, and enforming the king, the support of this bold mans power (whose carriage before lost his father Normandy, his treasure, and the love of his people, and in that the crowne,) would, as by his teaching the son to reject, in passion, the just petition of his loyall subjects, as, of late, the earle-marshall the due of his office, draw all the state into discontent, by his bad office and corrupt manners; and doubtlesse, the rebellious lords had ended this distemper (as their designes) in a civill war.

Denials from princes must be supplyed with gracious usage, that though they cure not the sore, yet they may abate the sence of it: best it is that all favours come directly from themselves, denials and things of bitternesse from their ministers.

Thus are the strangers all displaced and banished, Rivallis extortions ransackt by many strick commissions; and the bishop himselfe, sent disgraced to his see, finds now, *nullam quæsitam scelere potentiam diuturnam*, and that in princes favours there is no distance betweene mediocritie and precipitation; so dangerous are the wayes of majestie, and men still foolish to strive to run. The faction, still frustrate of their malitious ends, begin to sow upon their late grounds of the peoples discontent, *quærelas et ambiguos de principe sermones turbulentia vulgi*, and took it up a fashion to endeare and glorifie themselves with the senselesse multitude, by depraving the kings discretion and government; whose nature, too gentle for such insolent spirits, was forced (as Trivet sayes) to seek, as he presently did, advice and love amongst strangers, seeing no desert could purchase it at home: all bore themselves like tutours and controllers, few like subjects and counsellours.

God, we see, holdeth the hearts of princes, and sends them such counsellours as the qualitie of the subjects meriteth; for Mountford, a French-man, became the next object of the kings delight, a gentleman of choyse bloud, education, and feature. On this

mans content the heady affection of the soveraigne did so much dote, that, at his first entrie of grace, in envie of the nobilitie, he made him earle of Leicester; and in no lesse offence of the clergie, by violating the rights of holy church, gave him his vowed vailed sister to wife, more of art than usefull. Some have deemed this act of the kings making the tye of his dependancie the strength of his assurance, so both at his will.

Mountford, made wanton with the dalliance of majestie, forgetteth moderation; for seldome moderation in youth attendeth great and sudden fortunes: he draweth all affaires publike into his hands, all favours must pass from him, preferments by him, all suits addressed to him; the king but as a cypher set to add to his figure the more of number.

Great was the soveraignes errour, when the hope of servants must recognite itselfe to the servant, which ought immediately to come from the goodnesse and good election of himselfe: though princes may take, above others, some reposefull friend, with whom they may participate their neerest passions, yet ought they so to temper the affaires of his favour, that they corrupt not the affaires of their principalitie.

The great and gravest men began to grieve, when the unworthy, without honour or merit, dealt thus alone in that which should passe their hands, and to over-leap their yeares to the greatest honours and offices, and therefore ran along with the rising grace of the kings halfe brethren, (though strangers,) hoping to divide so the possession of grace, which they saw impossible to breake.

Leicester, confident of his majesties love, and impatient either to beare rivall in favour, or partner in rule, opposeth them all, but findeth, in his ebb of favour, the fortunes of others; for this king could as easily transfer over his love as settle his affection. Great, we see, must be the art and cunning of that man that keeps him afloat the streame of soveraigne favour, sithence the change of princes wils (which, for the most part, are full of fancies, and so unsaciate,) are hardly arrested: who so would this, must only intend the honour and safetie of his master, and, despoyled of all other respects, transforme himselfe to his inward inclination, work necessitie of employment; by undergoing the offices of most secrecie, either of public service or princes pleasures, beat downe he must competitors of worth by the hand of others, conceale his own greatnesse in publicke with a fained humilitie, and what in potencie or government he affecteth, to let rather seeme the work of others, than any appetite of his owne.

Now were the raines of rule, fitly taken by this advantage, put alone into the hands of the kings halfe brethren, Adam, Guido, Godfrey, and William; himselfe, as before, *ex magna fortuna tantam licentiam usurpans;* for to act his owne part he was ever ready drawen, when hee had such worthy servants as would often, for his honour, urge it.

These ministers (as Wallingford terms them) *tanta elati jactantia, quod nec superiorem sibi intelligunt, nec parem melitis, et molitis adulationibus, animum regis pro libito voluntatis orationis tramite deliniantes,* doe alone their list; they fill up the places of justice and trust with their country-men, put out the English, exact of whom and who they please, wast the treasure and crown-lands on themselves and followers, set prices on all offices, and raine the law within the rule of their owne brests; the usuall reply of their servants to the plaints of the kings subjects being, *Quis tibi rectum faciet quod dominus meus vult, dominus rex vult.* These strangers seemed, in their lawlesse carriage, not to have been omitted, but to have entered the land by conquest: the great they enforced not to obey, but serve; and the meane to live so, as they might justly say, they had nothing: yet, lest the king should heare the grones of his people, and greedinesse of his ministers, which good and able men would tell him, they bar all wayes; suspition being the best preserver of their owne defects, aimeth at those who have more of vertue than themselves, as fearing them most.

Thus is the capacitie of government in a king, when it falleth to be a prey to such

lawlesse minions, the ground of infinite corruption in all the members of the state: all take warrant, generally, from princes weaknesse, of licentious libertie; and greatnesse makes profit particularly by it, and therefore gives way to encrease ill, to encrease their gaines.

A famine accompanyeth these corruptions, and that so violent, as the king is enforced to direct writs to all shires, *Ad pauperes mortuos sepeliendos famis media deficientes.* Famine proceedeth, *et secutus est gladius tam terribilis, ut nemo inermis securè possit per provincias pervagare;* for all the villages of the kingdome were left a prey to a lawlesse multitude, who, *per divisas partes itinerantes velut per consensum aliorum,* as the record said, did imply that the factious lords suspected that the king had given some heart to this commotion. Ambitious peeres bring ever fuell to popular fires: nor was the church without a busie part in this tragick work; for Walter, bishop of Winchester, and Robert of Lincolne, to Mountford and his faction *præcordialiter adhærebant,* and were far engaged: in such designes church-men are never wanting; and the distaffe of present government, as well in church as in common-weale, will ever be a knot of strength for such unquiet spirits, who alwayes frame to themselves some other forme than the present, as well in religion as in temporall estates, being that with which the giddy multitude winneth the best opinion, and did at this time fitly suit the peoples humours, so much distasting the new courts of the clergie, their pomp, their greedinesse, and the popes extortions.

A faire pretext it was to the factious bishops to use their bitter pens and speeches so far against some religious orders, ceremonies, and state of the church, that one of them incurred the sentence of excommunication at Rome, and treason at home; for he enjoyned the earle of Leicester, *in remissione peccatorum, ut causam illam* (meaning the rebellion) *usque ad mentem assumerat asserens pacem ecclesiæ Anglicanæ sine gladio materiali nunquam firmere posse.* It was not the best doctrine this man could plant by liberty and war, when the first church rose by patience and prayer. True piety bindeth a subject to desire a good soveraigne with a bended knee, rather in time to desire abatement than to resist authority: church-men therefore ought not alwayes to lead us in the rules of loyalty, but knowledge of our own duty in difficult points of religion; where an humble ignorance is a secure knowledge, we may relie on them. To suppresse these troubles, and supply the kings necessities, a parliament was called, much to the liking of these lords, who as little meant to supply the king as he did desire to acquit the state; their ends at this time being onely to open at home the poverty of their master, to lessen his reputation abroad, and to brave out their own passions freely, which these times of liberty permits. Here they began to tell him he had wronged the publique, in taking to his private election the justice, chancellour, and treasurer; it should be onely by the common counsell of the realme: commending the bishop of Chichester for denying the delivery of the great seal, but in parliament, where he received it.

They blame him there to have bestowed the best places of trust and benefit on strangers, and to leave the English unrewarded; to have undone the trade of merchandise, by bringing in mults and heavie customes; and to hurt the common liberty, by *non obstantes* in his patents; to make good monopolies for private favourites, that he had taken from his subjects. *Qui quid habuerunt in osculentis et poculentis rusticorum enim bigas, equos viva, victualia ad libitum cæpit;* that is, judges were sent in circuit, under the pretext of justice to fleece the people, *Causis fictis quæcunque poterant deripuerunt;* and that Sir Robert de Purslan had wrong from the borderers of his forests, under pretence of incroachment or assarts, great summes of money; and therefore they wonder he should demand relief from his so pilled and poled commons, that, by these former extremities, *Et per auxilia prius data ita depauperentur ut parum aut nihil habeant in bonis:* advising him withall, that, since his needlesse expences, *postquam rex regni cæpit esse,* were summed up to be by them above £800000, it were fitting to pul from his favourites, who

had gleaned the treasure of the kingdom, and shared the old lands of the crown; some one of whom the lords described to be *miles literatus*, or *clericus militaris*, that had, in short space, from the inheritance of avarice grown to the possession of an earldom; and Mansel, another inferiour clerke, that rose to dispend, in annuall revenues, 4000 m.; whereas more moderate fees would have become a penman no better qualified than with the ordinary fruits of a writing-school: yet told, if a moderate supply would suit with his occasions, they were content to performe so far relief, in obedience, as the desert of his carriage should merit towards them: and so, as the record saith, *Dies data fuit in tres septimanus, ut interius rex excelsus suos corrigeret, et magnates ejus obtemperarent voluntati;* at which day, upon new grant of the great charter, admittance to his counsel (some persons elected by the commons,) and promise to relie upon the natives, and not on strangers, for advice hereafter, they spare him such a pittance as must force him again to their devotion for a new supply.

Thus the parliaments, that were ever before a medicine to heal up any rupture in the princes fortunes, are now grown worse than the maladie, since malignant humours began to rule more than well composed tempers. The king, by this experience of the intents of his rebellious subjects, finding the want of treasure was the way whereby they enthralled his majesty, begins to play the good husband, closeth his hand of waste, and resolved himselfe, (too late,) to stand alone.

Experience is pernicious to the private, and dangerous to the good of the state, when it never learnes to do, but with undoing, and never seeth order, but when disorder shewes it: yet still, alas! such was his flexibility, when he came to be pressed by his French minions, that he could not hold his hands any longer from their vast desires and endlesse wastes; so that an authour, then living, saith, it became a by-word, Our inheritance is converted to strangers, and our houses to aliens. Followers to a king excessive in gifts are excessive in demands, and cut them not out by reason, but by examples; favours past are not accounted; we love no bounty but what is meer future: the more that a prince weakeneth himselfe in giving, the poorer he is in friends; for such prodigality in the soveraigne ever ends in the spoil and rapine of the subject. Yet before the king could again submit himselfe, as he had the last parliament, to so many brave and strict inquirers of his disloyall subjects, he meaneth to passe thorow all the shifts, that extremity of need, which greatnesse could lay before him.

He beginneth first with the sale of lands, and then of jewels; pawneth Gascony, and, after, his imperiall crown; and when he had neither credit to borrow, (having so often failed the trust he had made,) nor mortgage of his own, he then layeth to pawn the jewels of Saint Edwards shrine; and, in the end, not having meanes to defray the debts of court, was inforced to break up house, and, as Paris sayeth, with his queen and children, *cum abatibus et prioribus humilia satis hospitia quærunt et prandia.*

This low ebbe that again the kings improvidence had brought him unto gave great assurance to the rebellious lords that they should now, at last, have the soveraigne power left a prey to their ambitious designes; and to bring it faster on, they desire nothing more than to see the kings extremity constrain a parliament; for at such times princes are ever lesse than they should, subjects more.

To hasten on the time, and apt the meanes, there are some certain seditious humours that the kings necessity must repair itselfe upon the fortune and liberty of the people, that, having nothing of his own, he might and meant to take of others; for kings may not want as long as subjects have meanes to supply.

This took effect just to their mindes, and wrought a little moving in the state, which doubtless had flamed higher, if the king had not assuaged it by proclamation, wherein he declared, *Quod quidem malevoli sinistra prædicantes illi falso suggesserunt illum vel eos indebitè gravari, ac jura et libertates regni subvertere, ut per suggestiones dolosas et omnino falsas eorum corda à sua dilectione et fidelitate averterent;* but desireth then, that

Hujusmodi animorum suorum perturbatoribus ne fidem adhiberent; for that he was ever ready to defend them from the oppressions of the great lords, *Et omnia jura et consuetudines eorum debitas bonas et consuetas in omnibus et per omnia plenius observare;* and that they may rest off, that *securè de voluntate libera literas suas fecit patentes.*

But seeing still that majesty and right subsist not without meanes and power, and himself had of neither so much as would stop the present breach in his own wants, or his subjects loyalties, he flieth to the bosom of his people for relief and counsell. At Oxford they met in parliament, where his necessities met with so many undutifull demands, that he was forced to render up unto rebellious wils his regall power: here the commons, knowing that, *cum eligere inciperent,* they were *loco libertatis,* stood with the king to have the managing of the state put to the care of 24, whereof 12 by their election, whereto they look strictly, the other by him, who in all things else was left a cypher; and in this, either by fear or advice, filled up his number with Mountford, Gloster, and Spencer, which, beside the weakening of his own part, won to these his late opposites an opinion of great interest they had got into his favour. He hath now neither left him election of publike officer nor private attendance; his halfe brethren and their followers he must dispoil of all fortunes, and exile, by proscription under his own hand; commanding the processe *pro transfectatione fratrum suorum* to be directed to the Earl of Hartford and Surrey, and not to passe either money, armes, or ornaments, *nisi in forma quam dicti comites inquirerent;* and, after departure, injoined the men of Bristow, that they should not permit any stranger *sive propinquos regis applicare in portu,* but so to behave themselves therein that as well the king *quam magnates sui eos merito commendare debeant.*

Thus we see how easily mens estates do change in a moment, and how hard it is to make good use of things ill gotten; and thus changing solid power into the rules of power, and these by popular elections, made the state beleeve, that, by this forme of limited policy, they had utterly suppressed the minde of mankinde, for ever dreaming upon the imaginary humours of licentious soveraignty.

But it fell out nothing so; for now every man began to estimate his own worth, and to hammer his head upon all designes that might enlarge his power and command: then began the great men to pull from the body of the countrey and regall soveraignty such royall suitors as neighboured any of their own seats, whereunto they inforced the service, and, as the record saith, *ad sectas indebitas et servitutes intolerabiles subditos reges compulerunt:* thus raising indeed mannours to become great honours; and, rending asunder the regall justice, made themselves of so many subjects, while they lived in duty, *totidem tyrannos,* as the book of Saint Alban saith, when they had left their loyalty, *magnas duxerunt magnates regni super subditos regis servitutes et oppressiones;* which they bore patiently; for excesse of misery, having no ease but custome, made men willing to lay the foundation of servitude by the length of sufferance, which found no other ease nor end untill the quiet of this kings raigne.

Mountford, Gloster, and Spencer, the heads of this rebellious plot, having, by the late provision, drawn to the hands of their 24 tribunes of the people the entire mannaging of the state, and finding this power too much dispersed to worke the end of their desires, forced again the king, at London, to call a parliament, where they delivered over the authority of the 24 unto themselves, and created a triumvirat, *non constituendo resp. causa,* (as they first pretended for their own ends,) but to make a speedier way to one of them, as it fatally did, to become *dictator perpetuus.*

Ambition is never so high but she thinkes still to mount; that station that lately seemed the top, is but a step to her now, and what before was great in desiring, seemes little now in power.

These three elect new counsellors, and appoint *quod tres ad minus alternatim semper in curia sint,* to dispose of the custody of castles, *et de aliis omnibus regni negotiis.* The

chief-justice, chancellor, and treasurer, with all officers, *majores et minores*, they reserve themselves the choyce, and bind the king to this hard bargain, upon such strange security, that he is contented, under the great seal and oath, to loosen to them the note of legall duty, whensoever he assumed to himself his regall dignity. *Liceat omnibus de regno nostro contra nos insurgere, et ad gravamen nostrum opem et operam dare, ac si nobis in nulla tenerentur.*

This prodegy of fortune, in whom she had set a pitifull example of her inconstancy, finding no part of his soveraignty left but the bare title, and that at their leaves, beggeth succour of Urban the Fourth against his disloyall subjects. The pope, by bull, cancelleth his oath and contract, and armeth him with excommunications against all those that turne not with speed to their due and old obedience: sithence promises made by men that cannot say they are at liberty are light, and force hath no power to make just interest. These lords, on the other side, that had imped their wings with the eagles feathers, and like no gain but what was raised out of the ashes of monarchy, made head against their soveraigne, and, to make him the better, called in some French forces.

Thus the common-wealth turned again her sword into her own bowels, and invited her ancient enemies to the funeral of her liberty; so that it was not a wonder she did not, at this time, passe under a foreigne servitude: and though these men were more sensible of their disgrace than others miseries, yet found they no better pretext for private interest than that of the publike; and therefore, at the entry into this war, they cried liberty, although, when they came nere to an end, they never spake once of it. At Lewis the armies met, where the king endeavoured a reconciliation, but in vain; for perswasions are ever unprofitable when justice is inferior to force: the sword decided the difference, and gave the two kings and their eldest sonnes prisoners.

The person, as well as the regall power, being thus in the hands of Mountford and Gloster, found neither bond of security nor expectation of liberty, but what the emulous competition of greatnesse, which now began to break out betwixt these mighty rivals gave hope of; for Leicester meaning, by incroaching by his partner, to himselfe the person of the king and his followers, the best portion of the spoil, and to draw more fruit from this advantage than it should in fellowship yield, dissolved the knot of their amity.

Equall authority with the same power is ever fatall, we see, to great actions; for to fit mindes to so equal a temper that they should not have some motions of dissenting, is impossible.

Mountford having thus broke all faith with his confederate, and duty to his soveraigne, leaves the path of moderation and wisdome, to come to the king by that of pride and distrust.

To him he telleth that his aymes and ends had no other object ever but order of the state and ease of the people; that he did not in this carry affection against duty, but well knew how to rein his desires to his just power, and so no lesse to his majesties content, if he would be ruled; which was, to command the castles and forts of his now opposites, Gloster and the rest, into his hands:—it was hard to this king thus to take a law from his inferior. But necessity in soveraigne affairs doth often force away all formability; and therefore those poor princes who now, at the victors discretion, seemed to have been onely raised to shew the inconstancy of fortune, and vanity of man, suted himselfe, with incomparable wisdom, to the necessity of the time; neither did humility now wrong majesty, when there was no other meanes to contain spirits so insolent but dissembling.

He therefore summoneth, in his own person, the forts of his fastest friends to yield to his greatest enemies.

These he intreateth in shew to his lodging, but in effect his prison, and saw himselfe forced to arme against his friends, and to receive new law from him to whom he lately

thought to give it. Thus Leicester is become the darling of the common rout, who easily change to every new master; but the better durst not sail along his fortune by the light of his glory. Chrystall, that fairly glistereth, doth easily break; and as the assent of usurped royalty is slippery, so the top is shaking, and the fall fearfull: to hold this man then happy, at the entry of his false felicitie, was but to give the name of the image to the metall that was not yet moulten; for by this, the imprisoned prince was escaped, and fast assured of Gloster, by the knot of his great minde and discontent, and both with the torne remainder of the royall army united, and by speedy march arrived, (unlookt for,) nere Eversham, to the armed troopes of the secure rebels, whom they instantly assail; for it was no fit season to give time, when no time did assure so much as experience did promise.

Spencer and other lords of the faction made towards the prince with the best speed of march, but could not break out, being hurried along the storme of the giddy multitude. Publike affection depends on the conduct of fortune, private on our carriage; we must beware, therefore, of running down steep hills with weighty bodies; they once in motion, *subferuntur pondere*, steps are then voluntary. Leicester, at that instant with the king, and out of the tempest, might have escaped, if his carriage and hope had not made him more resolute by misfortune, so that he could neither forsake his followers nor his ambition; thus, making adversity the exercise of his vertue, ran and fell. Private cogitations make more or lesse of fortune, but thoughts, we see, once raised to the height of rule, are no more in our own power, having no mean to step upon, between the highest of all and precipitation.

The king, by this happy accident freed and obeyed, began to search the ground of his former miseries, and why that vertue and fortune that had settled and maintained so long, under his ancestors, the glory of his empire, had cast him, in his time, off, and conspired with her enemies, to her almost ruine, as if the genius of the state had quite forsaken her.

Here he findes his wastfull hands had been too quicke, both over the persons and estates of his people, the griping avarice of his civill magistrates, and lawlesse liberty of his martial followers, the neglect of grace, and breach of his word, to have left the nobility at home and necessity, his reputation abroad, making merchandise of peace and war, as his last refuge; so, leaving his old allies, became enforced to betake himselfe to persons doubtfull or injured; and that, by giving over himselfe to sensuall security, and referring all to base, greedy, and unworthy ministers, whose counsell was ever more subtill than substantiall, he had thrown downe those pillars of soveraignty and safety, reputation abroad, and reverence at home.

He therefore now maketh sweetnesse and clemency the entrance of regained rule; for the faults of most of the rebels he forgot:—a gracious kinde of pardoning, not to take knowledge of offences. Others he forgave, that they might but live to the glory of his goodnesse; for the fewer killed, the more remain to adorne his trophe. Tyrants shed bloud for pleasure, kings for necessity: yet, least his justice and power might so much suffer in his grace and mercy, some few he punished by small fines, some by banishment, as the guiltlesse, yet unpittied sonnes of the arch-traitor. Treason so hatefull is to the head, that it draweth, (wee see,) the carriage of the innocent children into a lasting suspect; and what is supition in others, is guilt in them.

To the constant followers of his broken fortunes he giveth, but with more wary hand than before, the forfeitures of his enemies. Immoderate liberality he had found but a weak meanes to win love; for it left more in the gathering than it gained in the getting; and his bounty, bestowed without respect, was taken without grace, discredited the receiver, detracted from the judgement of himselfe, blunted the appetites of such as carried their hopes out of vertue and service.

Thus, at last, he learned that reward and reprehension, justly laid, do ballance govern-

ment, and that it much importeth a prince, if the hand be equall that holdeth the scale. In himselfe, he reformed the naturall errours of his youth; for princes manners, though a mute law, have more of life and vigour than those of letters; and though he did sometimes touch upon the verge of vice, he forbore to enter the circle. The courts, wherein, at this time, the faults of good men did, not only by approbation, but imitation, receive true comfort and authority, for their crimes were now become examples and customes, he purged severely, since from thence proceeds the regular or irregular conditions of the common state. Expence of house service he measured by the just rule of his proper revenues, and was heard often to say that his errors of wast had been the issue of the subjects blood. The insolency of his souldiers, made lawlesse by the late libertie of civill armes, he spendeth in forraigne expeditions, having seen that the quiet spirits underwent all the former calamities, and the others were never satisfied but in the miseries of innocents, and would, if they had no other enemy abroad, seek out one at home, as they had done before.

The rigor and corruption of these judiciall officers he examineth and redresseth by strict commission; for the seem of their security became a murmur of his own cruelty.

The seates of judgement and councell he filleth up with men nobly borne; for such attract with least offence the generous spirits to respect and reverence: the inabilities he measureth not by the favour of private information, as before, but generall; for every man may in particular deceive, and be deceived, but no one can all, nor all one. And to discover his own capacity now, and shew what part he meaneth to leave hereafter in all deliberate expeditions, he sitteth himselfe in councell dayly, and disposeth the affaires of most weight in his own person.

Councellors, be they never so wise or worthy, are but as accessaries, not principall in sustentation of the state; their office must be subjection, not fellowship, in consultation of moment; ability to advise, not authority to resolve; for as to live, the prince must have a particular soul, so to rule, his proper and interne councell: without the one, he cannot demurre truely, without the other he can never securely be a prince; for it offendeth as well the minister of merit as the people, to force obedience to one uncapable of his own greatnese, and unworthy of his fortune.

This wonderous change to the generall state, so helplesse lately, to recover their former liberty, that they sought now for nothing but the mildest servitude, brought them home again to his devotion and their duty.

He that will lay, (we see,) the foundation of greatnesse upon popular love, must give them ease and justice; for they measure the bond of their true obedience by the good alwayes received.

This peace ever after attended his age and house, and he happily lived to fashion his successour, and to make him partner of his experience and authority, whose down-hard education trained him from that intemperance which makes man inferiour to beasts, and framed him to affect glory and vertue, which made him superiour to men: so that all the actions of his future raigne were exact grounds of discipline and policy; who, as he was the first of his name since the Conquest, so was he the first that settled lawes and state; deserving to wear the title of Englands Justin, and the proud title to have freed the crown from the subjection and wardship of his peeres; shewing himselfe, in all his actions, ever after, capable of command, not the realme only, but the whole world. Thus do the wrong of our enemies, more than our own discretion, make us sometimes both wise and fortunate.

The Charge of the Scottish Commissioners against Canterburie and the Lieutenant of Ireland; together with their Demand concerning the Sixt Article of the Treaty: whereunto is added, the Parliaments Resolution about the Proportion of the Scottish Charges, and the Scottish Commissioners thankfull Acceptance thereof. 1641.

The Lord is knowne by the judgement which he executeth. The wicked is snared in the workes of his owne hands.

The principal object of the Scottish commissioners to parliament was, the utter destruction of Archbishop Laud, whom they alleged to be the deviser of that unfortunate service-book which occasioned the first breach between the two kingdoms. Heylin has considerably softened the share which Laud had in this obnoxious compilation. The Scottish bishops had requested from the king such a form of common prayer. Charles referred their representative, Dr John Maxwell, to Dr Laud, then bishop of London, with a message, expressing, "That it was his majesty's pleasure that he (Bishop Laud) should receive instructions from some bishops of Scotland concerning a liturgy for that church; and that he was employed from Dr Spotswood, archbishop of St Andrews, and other prelates there, about it. Bishop Laud told him, he was clear of opinion, that, if his majesty would have a liturgy settled there, it were best to take the English liturgy, without any variation, that so the same service-book might be established in all his majesty's dominions; which he thought would have been a great happiness to the state, and a great honour and safety to religion. To this Dr Maxwell replied, that he was of a contrary opinion, and that not he only, but the bishops of that kingdom, thonght their countrymen would be much better satisfied if a liturgy were framed by their own clergy, than to have the English liturgy put upon them; yet he added, that it might be according to the form of our English service-book. The king inclined to have the English service-book established in Scotland: and in this condition Bishop Laud held that business for two, if not three years, at least. Afterward, the Scottish bishops still pressing the king that a liturgy framed by themselves, and in some few things different from ours, would relish better with their countrymen, they at last prevailed with his majesty to have it so, and carried it against Laud, notwithstanding all he could say or do to the contrary Then his majesty commanded him to give the bishops of Scotland his best assistance in this work. He obeyed with no small reluctance: but wheresoever he had any doubt, he did not only acquaint his majesty with it, but writ down most of the amendments and alterations in his majesty's presence."—HEYLIN's *History of Presbytery*, p. 222.

The Scottish nation, however, were of a very different opinion, and, as appears from the following articles of charge by their commissioners, considered Laud as the chief mover of those alterations and additions in which the common prayer proposed to their church differed from that adopted in England. Dr Robert Baillie, who had distinguished himself in the controversy, by several treatises against the service-book, and by a tract called the Canterburian Self-conviction, attended the commissioners to London, and writes, upon the 2d December, 1640,—"For the present, I have my arms full of my old friend, his Little Grace, as they style him. If his process were once closed, which yet is not begun, the most of my errand here were at a point."—BAILLIE's *Letters*, vol. i. p. 222. The matter did not, however, remain long in suspence. On the 18th December, the house of commons preferred an impeachment against him, which was instantly followed up by the subsequent charges on the part of the Scottish commissioners. These appear to have been drawn by Baillie, who writes to the presbytery of Irvine, 19th December, 1640,—"Our pieces against Canterbury and Lieutenant are now ready. The first moulding of both were laid on me. When all had perused the two draughts, and our friends in the lower house considered them, the one was given to Mr Henderson, the other to Loudon and Mr Archibald, to abridge and polish. Both we and the English are panting for these two processes. The parliament held off to meddle with these two men, till we be ready to join. It was resolved, that the petition against episcopacy, root and branch, should be delayed till first we had gotten Canterbury down, and the parliament had removed all the rest out of the house, by a premunire for

their canons: yet we are so long detained by Traquair's fencing for his own head, ere we can come to the minor, where Canterbury stands to be concluded, as we hope, in a deep bocardo, that the people's patience could no longer keep in; so yesterday a world of honest citizens, in their best apparel, in a very modest way, went to the house of commons, sent in two aldermen with their petition, subscribed, as we hear, by 15,000 hands, for removing episcopacy, the service-book, and other such scandals out of their church. It was well received. They were desired to go in peace, and to send some three or four of their number, on Thursday night to attend some answer against that time. We, God willing, will be in hands with his Little Grace; and sundry petitions, of several shires, to every one whereof some thousands of hands are put, will be given in against episcopacy. God speed all well."—*Letters*, I. 224.

Novations in religion, which are universally acknowledged to bee the main cause of commotions in kingdomes and states, and are knowne to bee the true cause of our present troubles, were many and great, besides the bookes of Ordination and Homilies. 1. Some particular alterations in matters of religion, pressed upon us without order, and against law, contrary to the forme established in our kirk. 2. A new booke of Canons and Constitutions Ecclesiasticall. 3. A Liturgie, or Booke of Commone Prayer, which did also carry with them many dangerous errours in matters of doctrine. Of all which we chalenge the prelate of Canterbury as the prime cause on earth.

And first, that this prelate was the author and urger of some particular changes, which made great disturbance amongst us, wee make manifest, 1. By fourteen letters, subscribed W. Cant, in the space of two years, to one of our pretended bishops, Bannatine, wherein hee often enjoyneth him and other pretended bishops to appear in the chappell in their whites,[1] contrary to the custome of our kirk, and to his promise, made to the pretended bishop of Edinburgh, at the coronation, that none of them after that time should be pressed to weare these garments; thereby moving him, against his will, to put them on for that time: wherein he directeth him to give order for saying the English service in the chappell twice a-day: for his neglect, shewing him that hee was disappointed of the bishopricke of Edinburgh: promising him, upon his greater care of these novations, advancement to a better bishoprick: taxing him for his boldnesse in preaching the sound doctrine of the reformed kirkes, against Master Mitchell, who had taught the errours of Arminius, in the point of the extent of the merit of Christ: bidding him send up a list of the names of councellours and senatours of the colledge of justice who did not communicate in the chappell, in a forme which was not received in our kirke: commending him, when he found him obsequious to these his commands: telling him that hee had moved the king the second time for the punishment of such as had not received in the chappell; and wherein hee upbraideth him bitterly, that, in his first synod at Aberdeen, hee had onely disputed against our custome of Scotland, of fasting sometimes on the Lords-day; and presumptuously censuring our kirk, that in this we were opposite to Christianity itselfe; and that amongst us there were no canons at all. More of this stuffe may be seene in the letters themselves.

Secondly, by two papers of memoirs and instructions, from the pretended bishop of Saint Androis to the pretended bishop of Rosse, comming to this prelate, for ordering the affaires of the kirk and kingdome of Scotland; as not onely to obtaine warrants, to order the exchequer, the privy-counsell, the great commission of surrenders, the matter

[1] These white garments appeared so foul in the eyes of the Scottish nation, that if they saw but a black and white dog, they nick-named the cur a bishop. This ought to have been anticipated; for, as we learn from one who attended King James's journey, "To be opposite to the pope," says the writer, "is to be presently with God. To conclude, I am persuaded, that if God and his angels, at the last day, should come down in their whitest garments, they would run away, and cry, The children of the chapel are come again to torment us; let us fly from the abomination of these boys, and hide ourselves in the mountains."—*A Perfect Description of Scotland*. London, 1659, 12mo.

of Balmerino's processe, as might please our prelates, but warrants also for sitting of the high commission court once a-week in Edinburgh; and to gain from the noblemen, for the benefit of prelates and their adherents, the abbacies of Kelso, Arbroith, S. Androis, and Lindors; and in the smallest matters to receive his commands; as, for taking downe galleries and stone-walls in the kirks of Edinburgh and Saint Androis, for no other end but to make way for altars and adorations towards the east, which, besides other evills, made no small noise and disturbance amongst the people, deprived hereby of their ordinary accommodation for publique worship.

The second novation which troubled our peace was, a booke of canons and constitutions ecclesiasticall obtruded upon our kirk, found, by our General Assembly, to be devised for establishing a tyrannicall power, in the persons of our prelates, over the worship of God, over the consciences, liberties, and goods of the people, and for abolishing the whole discipline and governement of our kirk, by generall and provinciall assemblies, presbyteries, and kirk-sessions, which was settled by law, and in continuall practise since the time of reformation. That Canterbury was master of this worke is manifest.

By a booke of canons sent to him, written upon the one side onely, with the other side blanke, for corrections, additions, and putting all in better order, at his pleasure, which accordingly was done, as may appeare by interlinings, marginalls, and filling up of the blanke page with directions sent to our prelates; and that it was done by no other than Canterbury is evident by his magisteriall way of prescribing, and by a new copy of these canons, all written with Saint Androis [1] owne hand, precisely to a letter, according to the former castigations, sent backe for procuring the kings warrant unto it; which accordingly was obtained, but with an addition of some other canons, and a paper of some other corrections: according to which, the booke of canons, thus composed, was published in print. The inspection of the bookes, instructions, and his letters of joy for the successe of the worke, and of other letters of the prelate of London, and the Lord Sterling, to the same purpose, all which we are ready to exhibite, will put the matter out of all debate.

Besides this generall, there be some things more specially worthy to be adverted unto, for discovering his spirit. 1. The 4. canon of chap. 8.: for as much as no reformation in doctrine or discipline can be made perfect at once in any church, therefore it shall and may be lawfull for the church of Scotland, at any time, to make remonstrance to his M., or his successors, &c. Because this canon holdeth the doore open to more innovations, he writeth to the prelate of Rosse, his private agent [2] in all this worke, of his great gladnesse that this canon did stand behind the curtaine, and his great desire that this canon may be printed fully, as one that was to be most usefull. Secondly, the title prefixed to these canons by our prelates. Canons agreed upon to be proponed to the several synods of the kirk of Scotland, is thus changed by Canterbury. Canons and constitutions ecclesiasticall, &c. ordained to be observed by the clergy. He will not have canons to come from the authority of synods, but from the power of prelates, or from the kings prerogative. Thirdly, the formidable canon, cap. 1. 3., threatning no lesse than excommunication against all such persons whosoever shall open their mouthes against any of these bookes, proceeded not from our prelates, nor is to be found in the copy sent from them, but is a thunderbolt forged in Canterburies own fire. 4. Our prelates, in divers places, witnesse their dislike of papists. A minister shal be deposed if hee bee found negligent to convert papists, chap. 18. 15. The adoration of the bread is a superstition to be comdemned, chap. 6. 6. They call the absolute ne-

[1] Dr John Spottiswood, archbishop of St Andrews, a learned and pious man, as well as an accurate and candid historian. His interference in the business of the service-book obliged him, in 1639, to fly from Scotland: he reached London with difficulty, nor did he long survive the journey.

[2] Dr John Maxwell, afterwards bishop of Ross, attended upon Laud in London, as agent for the Scottish episcopal church.

cessity of baptisme an errour of popery, chap. 6. 2. But in Canterburies edition, the name of papists and popery is not so much as mentioned. 5. Our prelates have not the boldnesse to trouble us, in their canons, with altars, fonts, chancels, reading of a long liturgie before sermon, &c.; but Canterbury is punctuall and peremptory in all these. 6. Although the words of the tenth canon, chap 3., be faire, yet the wicked intentions of Canterbury and Ross may bee seen in the point of justification of a sinner before God, by comparing the canon as it came from our prelates, and as it was returned from Canterbury, and printed. Our prelates say thus, It is manifest that the superstition of former ages hath turned into a great prophanenesse, and that people are growne cold, for the most part, in doing any good, thinking there is no place to good workes, because they are excluded from justification. Therefore shall all ministers, as their text giveth occasion, urge the necessity of good workes, as they would be saved, and remember that they are *via regni*, the way to the kingdome of Heaven, though not *causa regnandi*, howbeit they be not the cause of salvation. Here Ross giveth his judgement, That hee would have this canon simply commanding good workes to be preached, and no mention made what place they have or have not in justification. Upon this motion, so agreeable to Canterburies mind, the canon is set down as it standeth, without the distinction of *via regni*, or *causa regnandi*, or any word sounding that way, urging onely the necessity of good works. 7. By comparing canon 9., chap. 18., as it was sent in writing from our prelates, and as it is printed at Canterburies command, may be also manifest that hee went about to establish auricular confession, and popish absolution. 8. Our prelates were not acquainted with canons for inflicting of arbitrary penalties; but in Canterburies book, wheresoever there is no penaltie expressely set down, it is provided that it shall be arbitrary, as the ordinary shall think fittest. By these, and many other the like, it is apparent what tyrannicall power he went about to establish in the hands of our prelats, over the worship and the souls and goods of men, over-turning from the foundation the whole order of our kirk; what seedes of popery he did sow in our kirk; and how large an entry hee did make for the grossest novations afterward, which hath beene a maine cause of all their combustion.

The third and great novation was, the booke of common prayer, administration of the sacraments, and other parts of divine service, brought in, without warrant from our kirk, to be universally received, as the only forme of divine service, under all highest paines, both civill and ecclesiasticall; which is found, by our nationall assembly, beside the popish frame and formes in divine worship, to containe many popish errors and ceremonies, and the seeds of manifold and grosse superstitions and idolatries, and to be repugnant to the doctrine, discipline, and order of our reformation, to the Confession of Faith, constitutions of generall assemblies, and acts of parliament, establishing the true religion. That this also was Canterburies worke wee make manifest.

By the memoirs and instructions sent unto him from our prelates, wherein they gave a speciall account of the diligence they had used to doe all which herein they were enjoyned, by the approbation of the service-booke sent to them, and of all the marginall corrections, wherein it varieth from the English booke; shewing their desire to have some few things changed in it; which, notwithstanding, was not granted. This we find written by Saint Androis owne hand, and subscribed by him, and nine other of our prelates.

By Canterburies owne letters, witnesses of his joy when the book was ready for the presse; of his prayers that God would speed the worke; of his hope to see that service set up in Scotland; of his diligence to send for the printer, and directing him to prepare a black letter, and to send it to his servants at Edinburgh, for printing this booke; of his approbation of the proofes sent from the presse; of his feare of delay in bringing the worke speedily to an end, for the great good (not of that church, but) of the church; of his encouraging Rosse, who was entrusted with the presse, to go on in

this peece of service without feare of enemies: all which may be seene in the autographs: and by letters sent from the prelate of London to Rosse, wherein, as he rejoyceth at the sight of the Scottish canons, which, although they should make some noise at the beginning, yet they would be more for the good of the kirk than the canons of Edinburgh for the good of the kingdome, so, concerning the liturgy, he sheweth, that Rosse had sent to him, to have an explanation from Canterbury of some passages of the service-booke, and that the presse behoved to stand till the explanation come to Edinburgh; which, therefore, he had in haste obtained from his grace, and sent the dispatch away by Canterburies owne convaiance.

But the booke it selfe, as it standeth, interlined, margined, and patcht up, is, much more than all that is expressed in his letters, and the changes and supplements themselves, taken from the masse-book and other Romish ritualls, by which he maketh it to vary from the book of England, are more pregnant testimonies of his popish spirit, and wicked intentions, which he would have put in execution upon us, than can bee denied The large declaration professeth, that all the variation of our booke from the book of England, that ever the king understood, was in such things as the Scottish humour would better comply with, than with that which stood in the English service. These popish innovations, therefore, have beene surreptitiously inserted by him, without the kings knowledge, and against his purpose. Our Scottish prelates do petition that something may be abated of the English ceremonies, as the crosse in baptisme, the ring in marriage, and some other things.[1] But Canterbury will not only have these kept, but a great many more, and worse superadded, which was nothing else but the adding of fewell to the fire. To expresse and discover all, would require a whole booke: we shall onely touch some few, in the matter of the communion.

This booke inverteth the ordour of the communion in the booke of England, as may be seen by the numbers setting downe the orders of this new communion, 1. 5. 2. 6. 7. 3. 4. 8 9. 10. 15. Of the divers secret reasons of this change we mention one onely, in joyning the spirituall praise and thanksgiving, which is, in the booke of England, pertinently after the communion, with the prayer of consecration before the communion, and that under the name of memoriall or oblation; for no other end, but that the memoriall and sacrifice of praise, mentioned in it, may be understood according to the popish meaning. *Bellar. de Missa*, lib. 2. cap. 21. Not of the spirituall sacrifice, but of the oblation of the body of the Lord.

It seemeth to bee no great matter, that, without warrand of the book of England, the presbyter, going from the north end of the table, shall stand, during the time of consecration, at such a part of the table, where hee may, with the more ease and decencie, use both hands; yet, being tried, it importeth much as that he must stand with his hinder parts to the people; representing (saith Durand,) that which the Lord said of Moses, "Thou shalt see my hinder parts." Hee must have the use of both his hands, not for any thing he hath to doe about the bread and wine, for that may bee done at the north end of the table, and bee better seen of the people, but (as we are taught by the rationalists,) that he may, by stretching forth his armes, to represent the extension of Christ on the crosse, and that hee may the more conveniently lift up the bread and wine above his head, to be seen and adored of the people, who, in the rubrick of the generall confession, a little before, are directed to kneel humbly on their knees,

[1] In the same perfect description of Scotland above quoted, we have the people's opinion on these rites. "They christen without the cross, marry without the ring, receive the sacrament without repentance, and bury without divine service; they keep no holydays, nor acknowledge any saint but S. Andrew, who, they say, got that honour by presenting Christ with an oaten cake, after his forty days fast They say likewise, that he that translated the Bible was the son of a malster, because it speaks of a miracle done by barley loaves; whereas they swear they were oaten cakes, and that no other bread, of that quantity, could have sufficed so many thousands."

that the priests elevation, so magnified in the masse, and the peoples adoration may goe together: that, in this posture, speaking with a low voyce, and muttering, (for sometimes hee is commanded to speake with a lowde voyce, and distinctly,) hee bee not heard by the people: which is no lesse a mocking of God, and his people, than if the words were spoken in an unknowne language. As there is no word of all this in the English service, so doth the book in King Ed. time give to every presbyter his liberty of gesture; which yet gave such offence to Bucer, (the censurer of the book, and even, in Cassanders own judgement, a man of great moderation in matters of this kinde,) that he calleth them *nunquam satis execrandos Missæ gestus*, and would have them to be abhorred, because they confirme to the simple and superstitious *ter impiam et exitialem miseæ fiduciam.*

The corporall presence of Christ's body in the sacrament is also to be found here; for the words of the masse-book serving to this purpose, which are sharply censured by Bucer, in King Ed. liturgie, and are not to be found in the book of England, are taken in here: Almighty God is incalled, that, of his almighty goodnesse, he may vouchsafe so to blesse and sanctifie, with his word and spirit, these gifts of bread and wine, that they may bee unto us the body and bloud of Christ.

The change here is made a work of God's omnipotencie. The words of the masse, *ut fiant nobis*, are translated, in King Edward's booke, "that they may be unto us;" which are againe turned into Latine by Alesius, *ut fiant nobis.* On the other part, the expressions of the booke of England, at the delivery of the elements, of "feeding on Christ by faith," and of eating and "drinking in remembrance that Christ died for thee," are utterly deleated. Many evidences there bee, in this part of the communion, of the bodily presence of Christ, very agreeable to the doctrines taught by his secretaries, which this paper cannot containe. They teach us that Christ is received in the sacrament *corporaliter*, both *objectivè* and *subjectivè. Corpus Christi est objectum quod recipitur, et corpus nostrum subjectum quo recipitur.*

The booke of England abolisheth all that may import the oblation of any unbloody sacrifice; but here we have, besides the preparatorie oblation of the elements, which is neither to be found in the booke of England now, nor in King Edward's booke of old, the oblation of the body and bloud of Christ, which Bellarmine calleth *sacrificium laudis, quia Deus per illud magnopere laudatur.* This also agreeth well with their late doctrine. We are ready, when it shall be judged convenient, and we shall be desired, to discover much more matters of this kind; as, grounds laid for *missa sicca*, or the half messe; the private messe, without the people; of communicating in one kind; of the consumption by the priest, and consummation of the sacrifice; of receiving the sacrament in the mouth, and not in the hand, &c.

Our supplications were many against these books, but Canterbury procured them to be answered with terrible proclamations. Wee were constrained to use the remedy of protestation; but for our protestations, and other lawful meanes, which we used for our deliverance, Canterbury procured us to be declared rebels and traitors in all the parish kirks of England: when we were seeking to possesse our religion in peace, against these devices and novations, Canterbury kindleth warre against us. In all these it is known that he was, although not the sole, yet the principall agent and adviser.

When, by the pacification at Berwick, both kingdomes looked for peace and quietnesse, he spared not openly, in the hearing of many, often before the king, and privately at the counsell-table, and the privy jointo, to speak of us as rebels and traitors, and to speake against the pacification, as dishonourable, and meet to be broken. Neither did his malignancie and bitternesse ever suffer him to rest, till a new warre was entred upon, and all things prepared for our destruction.

By him was it that our covenant, approven by nationall assemblies, subscribed by his M. commissioner, and by the lords of his M. counsell, and by them commanded to

be subscribed by all the subjects of the kingdome, as a testimony of our duty to God and the king, by him was it still called ungodly, damnable, treasonable; by him were oaths invented, and pressed upon divers of our poore countrey-men, upon the pain of imprisonment, and many miseries, which were unwarrantable by law, and contrary to their nationall oath.

When our commissioners did appeare to render the reasons of our demands, he spared not, in the presence of the king and committee, to raile against our nationall assembly, as not daring to appeare before the world and kirkes abroad, where himselfe and his actions were able to endure tryall, and against our just and necessary defence, as the most malicious and treasonable contempt of monarchicall government that any by-gone age had heard of. His hand also was at the warrant for the restraint and imprisonment of our commissioners, sent from the parliament, warranted by the king, and seeking the peace of the kingdomes.

When we had, by our declarations, remonstrances, and representations, manifested the truth of our intentions, and lawfulnesse of our actions, to all the good subjects of the kingdome of England; when the late parliament could not be moved to assist, or enter in warre against us, maintaining our religion and liberties, Canterbury did not onely advise the breaking up of that high and honourable court, [1] to the great griefe and hazard of the kingdome, but (which is without example) did sit stil in the convocation, and make canons and constitutions against us, and our just and necessary defence; ordaining, under al highest paines, that hereafter the clergy shall preach, 4 times in the yeare, such doctrine as is contrary, not only to our proceedings, but to the doctrine and proceedings of other reform'd kirks, to the judgement of all sound divines and politiques, and tending to the utter slavery and ruining of all estates and kingdomes, and to the dishonour of kings and monarchs. And, as if this had not been sufficient, he procured six subsidies to be lifted of the clergy, under paine of deprivation to all that should refuse. And, which is yet worse, and above which malice itselfe cannot ascend, by his meanes a praier is framed, printed, and sent through all the paroches of England, to bee said in all churches in time of divine service, next after the prayer for the queene and roiall progeny, against our nation, by name of trayterous subjects, having cast off all obedience to our anointed soveraigne, and comming, in a rebellious manner, to invade England; that shame may cover our faces, as enemies to God and the king.

Whosoever shall impartially examine what hath proceeded from himselfe, in these two books of canons and common praier; what doctrine hath beene published and printed these yeares by-past in England, by his disciples and emissaries; what grosse popery, in the most materiall points, we have found, and are ready to shew, in the posthume writings of the prelate of Edinburgh and Dumblane, his owne creatures, his neerest familiars, and most willing instruments to advance his counsells and projects, shall perceive that his intentions were deepe and large against all the reformed kirks, and reformation of religion; which, in his majesties dominions, was panting, and by this time had rendered up the the ghost, if God had not, in a wonderfull way of mercy, prevented us: and that if the pope himselfe had beene in his place, he could not have beene more popish, nor could he more zealously have negotiated for Rome, against the reformed kirks, to reduce them to the heresies in doctrine, the superstitions and idolatry in worship, and the tyranny in government, which are in that see, and for which the reformed kirks did seperate from it, and come forth of Babel. From him certainely hath issued all this deluge, which almost hath overturned all. We are therefore confident that your lordships will, by your meanes, deale effectually with the parliament, that this great firebrand be presently removed from his majesties presence, and that he may be put to

[1] At this time, nothing could equal the cordial compliments which passed between the Scottish commissioners and the parliament.

tryall, and put to his deserved censure, according to the lawes of the kingdome; which shall be good service to God, honour to the king and parliament, terror to the wicked, and comfort to all good men, and to us in speciall, who, by his meanes, principally, have been put to so many and grievous afflictions, wherein we had perished, if God had not beene with us.

We do indeed confesse that the prelates of England have beene of very different humours, some of them of a more hot, and others of them men of a more moderate temper; some of them more, and some of them lesse inclinable to popery; yet what knowne truth and constant experience hath made undeniable, we must, at this opportunity, professe, that, from the first time of reformation of the kirk of Scotland, not only after the comming of King James, of happy memory, into England, but before, the prelates of England have beene, by all meanes, incessantly working the overthrow of our discipline and government: and it hath come to passe, of late, that the prelates of England having prevailed, and brought us to subjection in the point of government, and finding their long waited for opportunity, and a rare congruity of many spirits and powers ready to co-opperate for their ends, have made a strong assault upon the whole external worship and doctrine of our kirk: by which their doing, they did not aime to make us conforme to England, but to make Scotland first, (whose weaknesse in resisting they had before experienced in the novations of governement, and of some points of worship), and thereafter England, conforme to Rome, even in these matters wherein England had seperated from Rome ever since the time of reformation:—an evill, therefore, which hath issued, not so much from the personall disposition of the prelates themselves, as from the innate quality and nature of their office, and prelaticall hierarchy, which did bring forth the pope in ancient times, and never ceaseth till it bring forth popish doctrine and worship, where it is once rooted, and the principles thereof fomented and constantly followed; and from that antipathy and inconsistency of the two formes of ecclesiasticall government, which they conceived, and not without cause, that one iland, united also under one head and monarch, was not able to beare; the one being the same, in all the parts and powers, which it was in the times of popery, and now is in the Roman church; the other being the forme of government received, maintained, and practised by all the reformed kirks; wherein, by their owne testimonies and confessions, the kirk of Scotland had amongst them no small eminency. This also wee represent to your lordships most serious consideration, that not only the firebrands may be removed, but that the fire may be provided against, that there be no more combustion after this.

The Charge of the Scottish Commissioners against the Lieutenant of Ireland.[*]

In our declarations we have joyned with Canterbury the lord-lieutenant of Ireland, whose malice hath set all his wits and power on work, to devise and doe mischiefe against our kirke and countrey.

No other cause of his malice can we conceive, but, first, his pride and supercilious disdaine of the kirk of Scotland, which, in his opinion, declared by his speeches, hath not in it almost any thing of a kirk; although the reformed kirks, and many worthy divines of England, have given ample testimony to the reformation of the kirk of Scotland.

Secondly, Our open opposition against the dangerous innovation of religion intended, and very farre improved in all his majesties dominions; of which hee hath shewed

[*] See the foregoing tracts respecting Strafford.

himselfe, in his owne way, no lesse zealous than Canterbury himselfe; as may appeare by his advancing of his chaplain, D. Bramble, not onely to the bishoprick of Derry, but also to be vicar-generall of Ireland; a man prompted for exalting of Canterburian popery and arminianism; that thus himselfe might have the power of both swords, against all that should maintaine the reformation: by his bringing of D. Chappell, a man of the same spirit, to the university of Dublin, for poysoning the fountaines, and corrupting the seminaries of the kirk.

And thirdly, When the primate of Ireland did presse a new ratification of the articles of that kirke in parliament, for barring such novations in religion, hee boldly menaced him with the burning, by the hand of the hang-man, of that confession, although confirmed in former parliaments.

When hee found that the reformation begun in Scotland did stand in his way, he left no meanes unessaied to rub disgrace upon us and our cause. The peeces printed at Dublin, *Examen conjurationis Scotticanæ*, the ungirding of the Scottish armour, the pamphlet bearing the counterfeit name of Lysimachus Nicanor; all three so full of calumnies, slanders, and scurrilities against our countrey and reformation, that the jesuits, in their greatest spite, could not have said more; yet not onely the authors were countenanced and rewarded by him, but the bookes must beare his name, as the great patron both of the worke and workman.

When the nationall oath and covenant, warranted by our generall assemblies, was approved by parliament in the articles, subscribed, in the kings name, by his majesties high commissioner, and by the lords of privie-counsell, and commanded to be sworne by his majesties subjects of all rankes; and particular and plenary information was given unto the lieutenant, by men of such quality as he ought to have beleeved, of the loyalty of our hearts to the king, of the lawfulnesse of our proceedings, and innocency of our covenant and whole course, that he could have no excuse; yet his desperate malice made him to bend his craft and cruelty, his fraud and forces against us; for, first, he did craftily call up to Dublin some of our countrymen, both of the nobility and gentry, living in Ireland, shewing them that the king would conceive and account them as conspirers with the Scots, in their rebellious courses, except some remedy were provided; and, for remedy, suggesting his own wicked invention, to present unto him and his councell a petition, which he caused to be framed by the bishop of Raphoe, and was seene and corrected by himselfe, wherein they petitioned to have an oath given them, containing a formall renunciation of the Scottish covenant, and a deep assurance never so much as to protest against any of his majesties commandements whatsoever.

No sooner was this oath thus craftily contriv'd, but, with all haste, it is sent to such places of the kingdome where our countrey-men had residence; and men, women, and all other persons above the yeares of sixteen, constrained either presently to take the oath, and thereby renounce their nationall covenant, as seditious and trayterous, or with violence and cruelty to be haled to the jayle, fined above the value of their estates, and to be kept close prisoners: and, so far as we know, some are yet kept in prison, both men and women of good quality, for not renouncing that oath which they had taken forty yeares since, in obedience to the king who then lived. A cruelty ensued, which may parallell the persecutions of the most unchristian times; for weake women, dragged to the bench to take the oath, died in the place, both mother and child: hundreds driven to hide themselves, till, in the darknesse of the night, they might escape by sea to Scotland, whither thousands of them did flye, being forced to leave corne, cattell, houses, and all they possessed, to bee a prey to their persecuting enemies, the lieutenants officers; and some indited and declared guilty of high treason, for no other guiltinesse but for subscribing our nationall oath: which was not onely impiety and injustice in itselfe, and an utter undoing of his majesties subjects, but was a weakning of

the Scots plantation, to the prejudice of that kingdome, and his majesties service, and was a high scandall against the kings honour, and intolerable abuse of his majesties trust and authority; his majesties commission, which was procured by the lieutenant, bearing no other penalty than a certification of noteing the names of the refusers of the oath.

But this his restlesse rage and insatiable cruelty against our religion and country can not be kept within the bounds of Ireland.

By his meanes a parliament is called; and although, by the sixe subsidies granted in parliament not long before, and by the base meanes which himselfe and his officers did use, as is contained in a late remonstrance, that land was extreamely impoverished, yet, by his speeches, full of oaths and asseverations that we were traytors and rebels, casting off all monarchicall government, &c., he extorted from them foure new subsidies, and, *indicta causa*, before wee were heard, procured that a warre was undertaken, and forces should be leavied against us, as a rebellious nation: which was also intended to be an example and precedent to the parliament of England for granting subsidies, and sending a joynt army for our utter ruine.

According to his appointment in parliament, the army was gathered, and brought downe to the coast, threatning a daily invasion of our countrey, intending to make us a conquered province, and to destroy our religion, liberties, and lawes, and thereby laying upon us a necessity of vast charges, to keepe forces on foot on the west coast, to waite upon his comming.

And as the warre was denounced, and forces leavied before wee were heard, so, before the denouncing of the warre, our ships and goods on the Irish coast were taken, and the owners cast into prison, and some of them in irons. Frigats were sent forth to scoure our coasts, which did take some and burne others of our barkes.

Having thus incited the kingdome of Ireland, and put his forces in order there against us, with all haste he commeth to England.

In his parting, at the giving up of the sword, he openly avowed our utter ruine and desolation, in these, or the like words:—If I returne to that honourable sword, I shall leave of the Scots neither root nor branch.

How soone he commeth to court, as before he had done very evill offices against our commissioners, clearing our proceedings before the point, so now he useth all meanes to stirre up the king and parliament against us, and to move them to a present warre, according to the precedent and example, of his owne making, in the parliament of Ireland. And finding that his hopes failed him, and his designes succeeded not that way, in his nimblenesse, he taketh another course that the parliament of England may be broken up; and despising their wisdome and authority, not onely, with great gladnesse, accepteth, but useth all means that the conduct of the army, in the expedition against Scotland, may be put upon him; which accordingly he obtaineth, as generall captaine, with power to invade, kill, slay, and save, at his discretion; and to make any one or more deputies in his stead, to doe and execute all the power and authorities committed to him.

According to the largenesse of his commission, and letters patents of his devising, so were his deportments afterwards; for when the Scots, according to their declarations, sent before them, were comming, in a peaceable way, farre from any intention to invade any of his majesties subjects, and still to supplicate his majesty for a setled peace, he gave order to his officers to fight with them on the way, that the two nations once entred in blood, whatsoever should be the successe, he might escape tryall and censure, and his bloody designes might be put in execution against his majesties subjects of both kingdomes.

When the kings majesty was againe enclined to hearken to our petitions, and to compose our differences in a peaceable way, and the peeres of England, convened at

Yorke, had, as before, in their great wisdome and faithfulnesse, given unto his majestie counsels of peace, yet this fire-brand still smoketh, and, in that honourable assembly, taketh upon him to breath out threatnings against us as traytors, and enemies to monarchiall government, that we be sent home againe in our blood, and he will whip us out of England.

And, as these were his speeches in the time of the treaty, appointed by his majesty, at Rippon, that, if it had beene possible, it might have beene broken up, so when a cessation of armes was happily agreed upon there, yet he ceaseth not, but still his practises were for warre: his under officers can tell who it was that gave them commission to drawe neere in armes beyond the Teese, in the time of the treaty at Rippon.

The governours of Barwicke and Carlile can shew from whom they had their warrants for their acts of hostility, after the cessation was concluded. It may be tryed how it commeth to passe that the ports of Ireland are yet closed, our countrey-men for the oath still kept in prison, traffique interrupted, and no other face of affaires than if no cessation had been agreed upon.

We therefore desire that your lordships will represent to the parliament, that this great incendiarie, upon these and the like offences, not against particular persons, but against kingdomes and nations, may be put to a tryall, and, from their knowne and renowned justice, may have his deserved punishment.

16*th December*, 1640.

The Scottish Commissioners Demand concerning their Sixt Article.[1]

Concerning our sixt demand, although it hath often come to passe that these who have beene joyned by the bonds of religion and nature have suffered themselves to be divided about the things of this world; and although our adversaries, who no lesse labor the division of the two kingdomes than we doe all seeke peace, and follow after it, as our common happinesse, doe presume that this will be the partition-wall, to divide us, and to make us lose all our labours taken about the former demand; wherein, by the helpe of God, by his majesties princely goodnesse and justice, and your lordships noble and equall dealing, we have so fully accorded, and to keep us from providing for a firme and well-grounded peace; by the wisdome and justice of the parliament of England, which is our greatest desire, expressed in our last demand,—we are still confident, that as we shall, concerning this article, represent nothing but what is true, just, and honourable to both kingdomes, so will your lordships hearken to us, and will not suffer yourselves, by any slanders or suggestions, to be drawne out of that straight and safe way wherein yee have walked since the beginning.

It is now, we suppose, knowne to all England, especially to both the honourable houses of parliament, and, by the occasion of this treatie, more particularly to your lordships, that our distresses in our religion and liberties were of late more pressing than we were able to beare; that our complaints and supplications for redresse were answered, at last, with the terrours of an army; that after a pacification, greater preparations were made for warre, whereby many acts of hostilitie were done against us, both by sea and land; the kingdome wanted administration of justice, and wee constrained to take armes for our defence; that we were brought to this extreame

[1] This demand was one of the most important subjects of discussion between the English parliament and Scottish commissioners, as it respected the charges of the Scottish army since the last pacification. Upon this point the king founded some hopes of their disagreeing, in which case, the Scottish army must have disbanded, or rendered themselves odious by plundering. The demand was very cautiously worded, to avoid room for such an issue.—See Baillie's *Letters*, vol. I, p. 225, 233.

and intollerable necessity,—either to maintaine divers armies upon our borders, against invasion from England or Ireland, still to be deprived of the benefit of all the courts of justice, and not onely to maintaine so many thousands as were spoiled of their ships and goods, but to want all commerce by sea, to the undoing of merchants, of saylors, and many others, who lived by fishing, and whose callings are upholden, from hand to mouth, by sea trade; any one of which evils is able, in a short time, to bring the most potent kingdome to confusion, ruine, and desolation: how much more, all the three at one time combined to bring the kingdome of Scotland to be no more a kingdome: yet all these behoved wee either to endure, and under no other hope than of the perfect slavery of ourselves and our posterity, in our soules, lives, and meanes, or to resolve to come into England, not to make invasion, nor with any purpose to fight, except we were forced, God is our judge, our actions are our witnesses, and England doth now acknowledge the truth, against all suspitions to the contrary, and against the impudent lyes of our enemies, but for our reliefe, defence, and preservation, which we could find by no other meanes, when we had essayed all meanes, and had at large expressed our pungent and pressing necessities to the kingdome and parliament of England. Since, therefore, the war on our part (which is no other but our comming into England with a guard) is defensive, and all men doe acknowledge that, in common equity, the defendant should not be suffered to perish in his just and necessary defence, but that the pursuer, whether by way of legall processe, in the time of peace, or by way of violence and unjust invasion, in time of warre, ought to beare the charges of the defendant,—we trust that your lordships will thinke that it is not against reason for us to demand some reparation of this kind, and that the parliament of England, by whose wisdome and justice wee have expected the redresse of our wrongs, will take such course as both may, in reason, give us satisfaction, and may, in the notable demonstration of their justice, serve most for their owne honour.

Our earnestnesse in following this our demand doth not so farre wrong our sight, and make us so undiscerning, as not to make a difference betweene the kingdome and parliament of England, which did neither decerne nor set forward a warre against us, and that prevalent faction of prelats and papists who have moved every stone against us, and used all sorts of meanes, not onely their counsells, subsidies, and forces, but their kirk canons, and prayers for our utter ruine, which maketh them obnoxious to our just accusations, and guilty of all the losses and wrongs which this time past wee have sustained: yet this wee desire your lordships to consider, that the estates of the kingdome of Scotland, being assembled, did endeavour, by their declarations, informations, and remonstrances, and by the proceedings of their commissioners, to make knowne unto the counsell, kingdome, and parliament of England, and to forewarne them of the mischiefe intended against both kingdomes, in their religion and liberties, by the prelates and papists, to the end that our invasion from England might have been prevented, if, by the prevalence of the faction, it had beene possible: and therefore wee may now, with the greater reason and confidence, presse our demand, that your lordships, the parliament, the kingdome, and the king himselfe, may see us repaired in our losses, at the cost of that faction by whose meanes we have sustained so much damage, and which, except they repent, will find sorrow recompenced for our griefe, torments for our toyle, and an infinite greater losse for the temporall losses they have brought upon a whole kingdom, which was dwelling by them in peace.

All the devices and doings of our common enemies were to beare downe the truth of religion, and the just liberties of the subjects in both kingdomes. They were confident to bring this about one of two wayes: either by blocking us up by sea and land, to constraine us to admit their will for a law, both in kirk and policy, and thus to make us a precedent for the like miserie in England; or, by their invasion of our kingdome, to compell us furiously, and without order, to break into England; that the two nations

once entred into a bloody warre, they might fish in our troubled waters, and catch their desired prey. But, as wee declared before our comming, we trusted that God would turne their wisedome into foolishnesse, and bring their devices upon their owne pates, by our intentions and resolutions to come into England, as among our brethren, in the most peaceable way that could stand with our safety, in respect of our common enemies, to present our petitions for setling our peace by a parliament in England, wherein the intentions and actions, both of our adversaries and yours, might be brought to light, the kings majesty and the kingdome rightly informed, the authors and instruments of our divisions and troubles punished, all the mischiefes of a nationall and doubtfull warre prevented, and religion and liberty, with greater peace and amity than ever before, established, against all the craft and violence of our enemies. This was our declaration before wee set our foot into England, from which our deportments we since have not varied. And it hath bin the Lords wonderfull doing, by the wise counsels and just proceedings of the parliament, to bring it, in a great part, to passe, and to give us lively hopes of a happy conclusion ; and therefore wee will never doubt but that the parliament, in their wisedome and justice, will provide that a proportionable part of the cost and charges of a worke so great and so comfortable to both nations bee borne by the delinquents there, that, with the better conscience, the good people of England may sit under their owne vines and fig-trees, refreshing themselves, although upon our greater paines and hazard, yet not altogether upon our cost and charges, which we are not able to beare.

The kingdome of England doth know and confesse that the innovation of religion and liberties in Scotland were not the principall designe of our common enemies, but that, both in the intention of the workers, whose zeale was hottest for settling their devices at home, and in the condition of the worke, making us, whom they conceived to be the weaker for opposition, to bee nothing else but a leading case for England : and that, although, by the power of God, which is made perfect in weaknesse, they have found amongst us greater resistance then they did feare, or either they or our selves could have apprehended ; yet, as it hath beene the will of God that wee should endure the heate of the day, so, in the evening, the pretious wages of the vindication of religion, liberties, and lawes, are to be received by both kingdoms, and will enrich, wee hope, to our unspeakable joy, the present age and the posteritie, with blessings that cannot bee valued, and which the good people of England esteeme more than treasures of gold, and willingly would have purchased with many thousands. We do not plead that conscience and piety have moved some men to serve God upon their owne cost, and that justice and equity have directed others, where the harvest hath been common, to consider the paines of labouring, and the charges of the sowing ; yet this much may we say, that had a forraine enemy, intending to reduce the whole island into popery, made the first assault upon our weaknesse, wee nothing doubt but the kingdome of England, from their desire to preserve their religion and liberties, would have found the way to beare with us the expense of our resistance and lawfull defence : how much more, being invaded, although not by England, yet from England, by common enemies, seeking the same ends, wee expect to be helped and relieved.

Wee will never conceive that it is either the will or the well and honour of England that wee should goe from so blessed a worke, after so many grievous sufferings, bearing on our backs the insupportable burdens of worldly necessities and distresses, return to our countrey empty and exhausted, in which the people of all rankes, sexes, and conditions, have spent themselves. The possessions of every man who devoted himselfe heartily to this cause are burdened, not onely with his own personall and particular expense, but with the publike and common charges ; of which if there bee no reliefe, neither can our kingdome have peace at home, nor any more credit for commerce abroad ; nor will it bee possible for us, either to aide and assist our friends, or

to resist and oppose the restlesse and working wickednesse of our enemies: the best sort will lose much of the sweetnesse of the enjoying of their religion and liberties, and others will run such wayes and undirect courses as their desperate necessities will drive them into: wee shall be but a burthen to ourselves, a vexation unto others, of whose strength we desire to be a considerable part, and a fit subject for our enemies to worke upon, for obtaining their now disappointed, but never dying desires.

Wee will not alledge the example of other kingdomes, where the losses of necessarie and just defence had been repaired by the other party; nor will wee remember what helpe wee have made, according to our abilities, to other reformed kirks; and what the kingdome of England, of old and of late, hath done to Germany, France, and Holland; nor doe we use so many words, that England may be burthened, and we eased, or that this should be a matter of our covetousnesse, and not of their justice and kindnesse:—justice, in respect of our adversaries, who are the causes of the great misery and necessity to which wee have been brought: kindnesse, in the supply of our wants, who have beene tender of the welfare of England as of our own; that, by this equality and mutuall respect, both nations may be supported in such strength and sufficiencie that wee may bee the more serviceable to his majesty, and abound in every good work, both towards one another, and for the comfort and reliefe of the reformed kirks beyond the seas, that we may all blesse God, and that the blessing of God may be upon us all.

The English Peeres Demand concerning the preceding Articles.

Whether this be a positive demand, or onely an intimation of the charge, thereby to induce the kingdome of England to take your distressed estate into consideration, and to afford you some friendly assistance.[1]

The Scottish Commissioners Answer to this Demand.

Wee would be no lesse willing to bear our losses, if wee had abilitie, than wee have beene ready to undergoe the hazard; but because the burthen of the whole doth farre exceed our strength, wee have (as is more fully conceived in our papers) represented to your lordships our charges and losses, not intending to demand a totall reparation, but of such a proportionable part, as that wee may, in some measure, beare the rema-

[1] This, which Baillie terms a very captious question, was tendered by the earl of Bristol; but, he adds, so wisely was the answer penned by Mr Henderson, that Bristol wished to withdraw his question.

"With great care an answer was penned, by Mr Henderson, to that very dangerous proposition. You have it in the inclosed paper. All was delivered to the parliament. Both the houses being called together, Bristol made a very pertinent and favourable report of all had past, and by this good office put away that suspicion which we began to conceive of his too hot reasoning against us in the treaty. Mandeville read, with the best tone he could, the reasons of our demands: Paget and Wharton, our good friends, read two answers to Bristol's two propositions:—all was received in silence, with some favour by the far most part. The greatness of the matter itself, and many other weighty affairs, hindered the parliament to make any conclusion therein; so our treaters had a vacation; yet were they not idle, but very diligent in soliciting and informing the members of the houses. Our enemies were not idle here: divers, in both houses, were very averse from this demand, and burst out into words, in several places, of dislike; yet God kept us in this difficulty. The matter coming to the lower house, on Thursday the 21st, it was much debated *pro et contra*, and referred to the next day: at which time, after some hot reasoning by our sure friends, it was voiced, first, that our demands should be voiced; then, that it should be voiced instantly; and, thirdly, by the most part it was carried that a supply, and sustenance for our losses and charges, should be granted to us; reserving the measure to their farther consideration. Of this we are very glad, and bless God for his favour; for this all men took for the greatest difficulty we had."—Baillie's *Letters*, I. 237.

nent; which wee conceive your lordships (having considered our reasons) will judge to bee a matter, not of our covetousnesse, but of the said justice and kindnesse of the kingdome of England.

Proposition of the Peeres to proceed to the other Demands during the debate of the Scottish Losses.

That, in the interim, whilst the houses of parliament take into consideration your demand of losses and dammages, you proceed to settle the other articles of the peace and intercourse betwixt the two kingdomes.

Answer to the Peeres Demand.

Wee have represented our losses, and thereby our distressed condition, ingenuously, and, in the singlenesse of our hearts, with very great moderation, passing over many things which to us are great burthens, that there might be no difficulty, nor cause of delay on our part, hoping that the honourable houses of parliament would thereby be moved, at their first conveniencie, to take the matter to their consideration.

We doe not demand a totall reparation, nor doe we speake of the payment till we consult about the setling of a solid peace, at which time the wayes of lifting and paying the money may be considered: wee doe onely desire to know what proportion may be expected; that this being once determined, and all impediments, arising from our by-past troubles, removed, wee may, with the greater confidence, and more hearty consent on both sides, proceed to the establishing of a firme and durable peace for time to come.

It is not unknowne to your lordships what desperate desires and miserable hopes our adversaries have conceived of a breach upon this article; and we doe foresee what snares to us, and difficulties to your lordships, may arise upon the postponing and laying aside of this article to the last place.

And therefore, that our adversaries may be out of hope, and we out of feare, and that the setling of peace may be the more easie, we are the more earnest, that, as the former articles have bin, so this may be, upon greater reasons considered, in its owne place and order.

Your lordships, upon the occasion of some motions made heretofore of the transposing of our demands, doe know, that not onely the substance, but the order of the propounding of them is contained in our instructions: and as we can alter nothing without warrant, the craving whereof will take more time than the houses of parliament will bestow upon the consideration of this article, so are wee acquainted with the reasons, yet standing in force, which moved the ordering of this demand: and therefore let us still be earnest with your lordships that there be no halting here, where the adversaries did most, and we did least of all, by reason the justice and kindnesse of the houses of parliament, expect it.

Answer of the Parliament to the preceding Demand.

Resolved upon the question,

That this house thinke fit that a friendly assistance and reliefe shall be given to-

[1] This proposition, on account of the delay which it involved, highly alarmed the commissioners, whose exigencies were pressing.

wards supply of the losses and necessities of the Scots, and that, in due time, this house will take into consideration the measure and manner of it.

The Scottish Commissioners Answer.

As wee doe with all thankfulnesse receive the friendly and kind resolution of the parliament concerning our sixt demand, and doe therein acknowledge your lordships noble dealing, for which wee may assure that the whole kingdome of Scotland will at all occasions expresse themselves in all respect and kindnesse, so doe we entreat your lordships to represent to the parliament our earnest desire that they may bee pleased, how soone their conveniencie may serve, to consider of the proportion; wishing still, that, as wee expect from our friends the testimonies of their kindnesse and friendly assistance, so the justice of the parliament may be declared, in making the burden more sensible to the prelats and papists (our enemies, and authors of all our evills,) than to others, who never have wronged us; which will not only give unto us, and the whole kingdome of Scotland, the greater satisfaction, but will also (as wee doe conceive) conduce much to the honour of the kings majesty and parliament. Wee doe also expect that your lordships will bee pleased to report unto us the answer of the parliament, that wee may, in this, as in our former articles, give accompt to those who sent us.

The Peeres Demand upon the above written Answer.

Wee desire to understand, since (as wee conceive) the particulars are like to require much time, whether wee may not, from you, let the parliament know, that (whilst they are debating of the proportion, and the wayes how their kind assistance may bee raised,) you will proceed to the agreeing of the articles of a firme and durable peace, that thereby both time may bee saved, and both sides proceed mutually, with the greater cheerfulnesse and alacrity.

The Scottish Commissioners Answer to the preceding Demand.

As we desire a firme peace, so it is our desire that this peace may bee, with all mutuall alacrity, speedily concluded; therefore let us entreat your lordships to shew the parliament, from us, that how soone they shall be pleased to make the proportion knowne to us, that wee may satisfie the expectation of those who have entrusted us, (which we conceive may be done in a short time, since they are already acquainted with all the particulars of our demand,) wee shall stay no longer upon the manner and ways of raising the assistance, which may require a longer time, and yet, we trust, will bee with such conveniencie determined, as may serve for our timous reliefe, but, remitting the manner and wayes to the opportunities of the parliament, shall most willingly proceed to the consideration of the following articles, especially to that which wee most of all desire,—a firme and blessed peace.

January. 16.

Resolved on the question,

That this house doth conceive that the summe of three hundreth thousand pounds is a fit proportion for that friendly assistance and reliefe, formerly thought fit to bee given, towards the supply of the losses and necessities of our brethren of Scotland:

and that this house will, in due time, take into consideration the manner how, and the time when, the same shall be raised.

Answer of the Scots Commissioners.

We intreat your lordships, whose endeavours God hath blessed in this great work, to make knowne to the parliament, that we doe no lesse desire to shew our thankfulnesse for their friendly assistance and reliefe than we have been earnest in demanding the same; but the thankfulnesse which we conceive to be due doth not consist in our affections or words at this time, but in the mutuall kindnesse and reall demonstrations to bee expected from the whole kingdome of Scotland in all time comming; and that not onely for the measure and proportion which the parliament hath conceived to bee fit, and which (to begin our thankfulnesse now) we doe, in the name of the whole kingdome, cheerfully accept of, but also for the kinde and Christian manner of granting it unto us, as to their brethren; which addeth a weight above many thousands, and cannot bee compensed but by paying their reciprocall love and duty of brethren; and for the resolution to consider in due time of the raising of the same for our reliefe; which also maketh the benefit to be double. This maketh us confident that God (whose working at this time hath been wonderfull) hath decreed the peace and amity of the two kingdomes, and will remove all rubbes out of the way; that our enemies will at last despaire to divide us, when they see that God hath joyned us in such a fraternity; and that divine Providence will plentifully recompence unto the kingdome of England t his their justice and kindnesse, and unto Scotland all their losses, which shall not by these and other means amongst ourselves be repaired, but by the rich and sweet blessings of the purity and power of the gospell, attended with the benefites of an happy and durable peace, under his majesties long and prosperous reigne, and of his royall posterity, to all generations.

A True Description, or rather a Parallel between Cardinall Wolsey, Archbishop of York, and William Laud, Archbishop of Canterbury.

Printed in the year 1641.

This was one of the various triumphant publications by which the character of Laud was assailed, after his power was fallen, and his person committed to the Tower.

There be two primates or archbishops throughout England and Wales,—Canterbury and York, both metropolitans; York of England, Canterbury of all England; for so their titles run. To the primate of Canterbury be subordinate thirteen bishops in England, and four in Wales: but the primate of York has at this time but two suffragans in England, namely, the bishops of Carlisle and Durham, though he had, in King Lucius days, (who was the first Christian king of this our nation,) all the prelacy of Scotland within his jurisdiction. Canterbury commanding all from this side the river Trent to

the furthest limits of Wales, and York commanding all from beyond the Trent, to the utmost bounds of Scotland; and, hitherto, their prime archiepiscopall prerogatives may (not unproperly) be paralleled.

In the time of Henry the First were potent famous prelates, Anselme of Canterbury, who durst contest against the king, and Girald of York, who denied to give place or any precedence at all to Anselme. Thomas Becket, who was first chancellour, and after archbishop of Canterbury, in the reign of Henry the Second, bore himselfe so insolently against the king his soveraigne, that it cost him his life, being slain in the church, as he was going to the altar. But, above all, the pride, tyrannie, and oppression of the bishop of Ely, in the reigne of Richard the First, wants example; who was at once chancellor of England and regent of the land, and held in his hand at once the two archbishopricks of York and Canterbury; who never rid abroad without a thousand horse, for his guard, to attend him; whom we may well parallel with the now great cardinall of France: and need he had of such a traine, to keep himself from being pulled to pieces by the oppressed prelates and people, equally extorting from the clergie and laietie: yet he, in the end, disguising himself in the shape of an old woman, thinking to passe the sea at Dover, where he awayted on the strand, a pinace being hired for that purpose, he was discovered by a sailor, and brought back, to abide a most severe sentence. Stephen Lancthon, archbishop of Canterbury, in the time of King John, would not absolve the land, being for six years together indicted by the pope, till the king had paid unto him and the rest of the bishops eighteen thousand marks in gold:—and thus I could continue the pride of the prelacie, and their great tyrannie through all the kings reigns; but I now fall upon the promist parallel, betwixt Thomas Wolsey, archbishop of York, and cardinall, and William Laud, doctor in divinity, and archbishop of Canterbury.

They were both the sons of mean and mechanick men,—Wolsey of a butcher, Laud of a cloth-worker: the one born at Ipswich, (threescore miles,) the other in Reading, thirty-miles distant from the city of London: both of them very toward, forward, and pregnant grammar schollars, and of singular apprehensions; as suddenly rising to the first forme in the school. From thence, being young, they were removed to the university of Oxford,—Wolsey admitted into Maudlin college, Laud into St Johns: and as they were of different times, so they were of different statures, yet either of them well shap'd, according to their proportions: Wolsey was of a competent talnesse, Laud of a lesse size, but might be called a pretty man, as the other a proper man: both of ingenious and acute aspects, as may appear by this mans face, the others picture. In their particular colleges they were alike proficients; both as active of body as brain; serious at their private studies, and equally frequent in the schools; eloquent orators, either to write, speak, or dictate; daintie disputants; well verst in philosophy, both morall, physicall, and metaphysicall, as also in the mathematicks; and neither of them strangers to the muses; both taking their degrees according to their time: and, through the whole academie, Sir Wolsey was called the Boy Batchelour, and Sir Laud the Little Batchelour.

The main study that either of them fixt upon was theologie; for though they were conversant in all the other arts and sciences, yet that they solely profest, and by that came their future preferment. Wolsey, being batchelour, was made school-master of Maudlin school, in Oxford; but Laud came in time to be master of St Johns college, in Oxford; therein transcending the other; as also in his degrees of master of art, batchelour of divinitie, and doctor of divinity; when the other being suddenly called from the rectorship of his school, to be resident upon a country benefice, he took no more academicall degrees than the first, of batchelour; and taking a strange affront by one Sir Amius Paulet, a knight in the country, who set him in the stocks, he endured likewise divers other disasters; but that disgrace he made the knight pay dearly for, after

he came to be invested in his dignity.[1] Briefly, they came both to stand in the princes eye. But, ere I proceed any further, let me give the courteous reader this modest caveat,—that he is to expect from me only a parallel of their acts and fortune, but no legend of their lives: it therefore briefly thus followeth:—

Both these from academicks coming to turn courtiers, Wolsey, by his diligent waiting, came to insinuate himself into the breasts of the privy-counsellors. His first employment was in an embassie to the emperour, which was done by such fortunate and almost incredible expedition, that by that only he grew into first grace with King Henry the Seventh, father to King Henry the Eighth. Laud, by the mediation and means wrought by friends, grew first into favour with King James, of sacred memory, father to our now royall soveraigne King Charles. They were both at first the kings chaplains: Wolsey's first preferment was to be dean of Lincoln, of which he was after bishop; Laud's first ecclesiastical dignity was to be dean of St Davids, of which he was after bishop also: and both these prelaticall courtiers came also to be privy-counsellors. Wolsey, in the beginning of Henry the Eighth's reign, was made bishop of Tourney, in France, soon after bishop of Lincoln, and, before his full consecration (by the death of the incumbent) was ended, translated to the archbishoprick of York; and all within the compasse of a year. Laud, though not so suddenly, yet very speedily, was from St Davids removed to London, and from London to Canterbury, and this in the beginning of the reign of King Charles. Thus you see they were both archbishops; and as Laud was never cardinall, so Wolsey was never Canterbury.

But in some things the cardinall much exceeded Canterbury, as in holding all these bishopricks at once, when the other was never possest but of one at one time. The cardinall also held the bishoprick of Winchester, of Worcester, Bath and Wells, with a fourth, and two abbotships, in *commendum:* he had, besides, an hat sent him from Rome, and made himself cardinall, that (being before but York) he might over-top Canterbury. But our William, howsoever he might have the will, yet never attained to that power; and howsoever he could not compasse a hat from Rome, yet made the means to have a consecrated mitre sent from Rome, which was so narrowly watch'd, that it came not to his wearing. Moreover, the cardinall extorted the chancellorship from Canterbury; but we find not that Canterbury ever either trencht upon the jurisdiction, or took any thing away from the archbishoprick of York.

Wolsey likewise far out-went him in his numerous train, and the noblenesse thereof, being waited on not only by the prime gentry, but even of earls and earls sons, who were listed in his family, and attended him at his table; as also in his hospitalitie, his open house being made free for all comers; with the rare and extraordinary state of his palace, in which there were daily uprising and down-lying a thousand persons, who were his domestick servants; moreover, in his many entertainments of the king wih masks and mighty sumptuous banquets; his sumptuous buildings; the prince-like state he carried in his forraigne embassages, into France, to the emperor, &c., in which he spent more coin in the service of his king, for the honour of his country, and to uphold the credit of his cardinals cap, than would (for the time) have paid an army-royal. But I answer, in behalfe of our Canterbury, that he had never that means or imployment by which he might make so vain-glorious a show of his pontificalitie or archiepiscopall dignitie; for unbounded minds may be restrained within narrow limits; and therefore the parallel may something hold this too.

They were also, in their judicial courts, equally tyrannous; the one in the chancerie, the other in the high commission: both of them at the council-board and in the star-chamber alike draconically supercilious. Blood drawn from Dr Bonner's head, by the

[1] Paulet was confined for some time in London, where he built a splendid house, and decorated the front with various emblems of the cardinal's dignity, in hopes to mollify his resentment.

fall of his crosse, presaged the cardinals downfall: blood drawn from the ears of Burton, Prin, and Bastwick, was a prediction of Canterbury's ruin: the first accidentall, the last premeditate, and of purpose. The cardinall would have expelled all the lutherans and protestants out of the realme; this our Canterbury would have exil'd both our Dutch and French church out of the kingdom. The cardinall took main delight in his foole Patch,[1] and Canterbury took much delight in his partie-coloured cats. The cardinall used for his agents Bonner and others; Canterbury for his ministers, Duck, Lamb, and others. They both favoured the see of Rome, and respected his holinesse in it: the cardinall did professe it publickly, the archbishop did reverence it privately. The cardinalls ambition was to be pope; the archbishop strove to be patriarch: they both bid fairly for it, yet lost their aime: and far easier it is for men to descend than to ascend.

The cardinall (as I have said) was very ambitious: the archbishop was likewise of the same mind, though better moulded, and of a more politick brain, having a close and more reserved judgement in all his observations, and more fluent in his deliverie. The cardinall was very curious in his attire, and ornament of his body, and took great delight in his traine, and other his servants, for their rich apparell; the archbishop his attire was neat and rich, but not so gaudy as the cardinals was, yet took as much felicitie in his gentlemens rich apparell, especially those that waited on his person, as ever the cardinall did, though other men paid for them: and if all men had their own, and every bird her feather, some of them would be as bare as those that professe themselves to be of the sect of the adamists. To speak truth, the archbishops men were all given to covetousnesse and wantonnesse; that I never heard of was in the cardinals men.

As the cardinal was sumptuous in his buildings, as that of Whitehall, Hampton-court, &c., as also in laying the foundation of two famous colleges, the one at Ipswich, where he was born, the other at Oxford, where he had his breeding, so Christ Church, which he left unfinished, Canterbury hath since repaired; and wherein he hath come short of him in building, though he hath bestowed much on St John's college, yet he hath out-gone him in his bountie of brave voluminous books, being fourscore in number, late sent to the Bodleian or university library. Further, as the cardinall was chancellour of England, so Canterbury was chancellour of Oxford; and as the cardinall, by plucking down of some small abbies, to prepare stone for his great structures, opened a gap for the king, by which he took the advantage utterly to raze and demolish the rest, so Canterbury, by giving way for one bishop to have a temporall triall, and to be convicted, not by the clergy, but the laity, so he left the same path open, both for himself and the rest of the episcopacy; of which there before scarce remained a precedent.

I have paralleled them in their dignities: I will conclude with a word or two concerning their down-falls. The cardinall fell into the displeasure of his king; Canterbury into an extreme hatred of the commons: both were arrested of high treason; the cardinall by processe, Canterbury by parliament; the cardinall at Keywood Castle, near York, Canterbury at Westminster, near London: both their falls were speedy and sudden. The cardinal sate as this day in the high court of chancery, and within two days after was confined to his house; Canterbury as this day sate at the counsell-board, and in the upper house of parliament, and the same day committed to the Black Rod, and from thence to the Tower. The cardinall dyed at Leicester, some say of a flux; Canterbury remains still in the Tower, only sick of a fever. *Vanitas vanitatum omnia vanitas.*

[1] The name of this fool passed into a sort of general epithet for those who were supposed to resemble him in point of intellect. Hence the word *patch*, so often used in old plays as a term of contempt.

The Petition of the Gentlemen and Students of the University of Cambridge, offered to both Houses, upon Wednesday, being the fifth day of January, 1642. *upon the arrival of that News to them of the Bishops late Imprisonment; with their Appeal to his most Excellent Majesty.* 1642.

Humbly and plainly sheweth,

That, if the very front of our requests be assaulted with a refusal, before we further declare, we, in all humility and observancy, desire not to be admitted; so may we happily ease ourselves of a danger, to be bold where we ought, although not where we may.

Yet, if we may be heard to those (we mean yourselves) whose ears cannot, and (we dare say) must not to any whatsoever just requests, we again, as in our former prostration, thus desire you, and, if the expression be more humble, beg of you:

First, Not to believe this in itself fictitious, humoursome, affronting, and, if not presumptuous, *uno cætera diximus*, those epithets, which, we know, but if not know, wish, from yourselves, are not undeservedly, nor unjustly, nor illegally sent forth against those, who, according to your loss, your too much abused patience, (Heaven grant a speedier execution to your commands,) daily, hourly, abuse,

Et Regem et Regnum.

Secondly, Although we are not *vox ipsa academiæ*, nor all regent-masters in the cause, yet we hope the liberal sciences may be as prevalent as the mechanical, intruding, not with swords, but knees, which had not yet been bended, but in this alone our impetration.

Now, our most honoured senates, may we now, with what a too tedious preamble lulled you, now again awake you.

We, the gentlemen and students of the university of Cambridge, do utterly, from our hearts, shoot back those arrows of aspersion, newly cast upon us, to be seducers.

To be seducers is an easy matter, you'll say, if sophistry, with her fallacies, may intitle us.

But we have sucked better milk from the tears of our mother; our mother, who never yet was more dejected, yet, from the dust, may ride upon the clouds, and in her due time shine, nay, out-shine the female conquest in the Revelation. The pillars of the mother is the church; you know it all: who Christians are, are those *incarcerati*; those who, like Joseph in the pit, or St Peter with the jailor; those who, with St Paul, may pray to be let down by a basket: (pardon our interruption.) May the whole and holy assembly be pleased too: our meaning was good, although the fault of that omission was pardoned before the reiteration.

Again, your supplicants, who, if without guns or feathers, or those whose reasons are far lighter than their feathers.

(Give us leave, yet without musquet-shot, we beseech you, to jog you by the elbow, a term-phrase or adagy meanly given, if you are given to cavil.)

Meanly, that is, indifferently. But what need we fear a verbal answer, where too many real are so near at hand?

Pro aris et focis was the Roman empress; *pro focis* for a king, *pro aris* for a temple; so on their very hearths they did adore a majesty: so knew a king which way to go to St Paul's cathedral, which to the Exchange.

Again, we are ready, with our lives and bloods, to present all collegiate chapels, if that they lay in our power, as well *in interioribus quam exterioribus*, not acknowledging more or less divine service than with what, as in former times, our more primitive Christians

did, with erected bodies, and drawn weapons, stand to the doxology creed, and responsals to the church.

All this we protest, and have hitherto really professed in these too much to be lamented times, although our warrant, so far as we can read, was allowed of by Edward the Sixth, *Separata maria continuatum usque ad annum et tempus vicesimum septimum Caroli regis;* to whose majesty, whose person, whose religion we appeal to: to his majesty, as God's vicegerent, to his person, as God's representative image, to his religion, as God himself alone.

By this only consequence,

Ubi religio,
Ibi templum,
Ubi templum,
Ibi Deus.

Templum Deme,
Demas Deum,
Deme templum,
Demas Deum.

The true Copy of a Letter, sent from the most Reverend William, Lord Archbishop of Canterbury, to the University of Oxford, when he resigned his Office of Chancellor. Published by occasion of a base Libel and Forgery, that runs under this Title: and also the Answer of the University to the said Letter. Oxford, printed by Leonard Lichfield, Printer to the University, Anno Dom. 1641; *Quarto, containing twelve Pages.*

Three months after Laud's imprisonment, he deemed it proper, for the reasons expressed in the following letter, to resign his office of chancellor of the university of Oxford. His fall was complete; and he was now, in some degree, neglected by the parliament, as no longer an object of dangerous suspicion. Philip, Earl of Pembroke and Montgomery, was his successor in the chancellorship, of which he was soon afterwards deprived, as well on account of the current of his politics as of his total incapacity.

To my very loving Friends, the Vice-Chancellor, the Doctors, the Proctors, and the rest of the Convocation of the University of Oxford.

After my hearty commendations, &c., these are to remember my love to that whole body; that love, than which never any chancellor bore greater, or with more ferventness and zeal to the publick good and happiness of that place. And I do heartily pray all and every of you to believe me; for most true it is, that the unfortunateness of my great affliction doth not trouble me for any one thing more, than that I can be no further usefull or beneficial to that place, which I so much love and honour.

I was once resolved not to resign my place of chancellor till I saw the issue of my troubles one way or other: and this resolution I took, partly because I had no reason to desert myself, and occasion the world to think me guilty, and partly, because I have found so much love from the university, that I could not make myself willing to leave it till some greater cause should take me off from that which I so resolved on.

That cause, if I be not much mistaken, doth now present itself; for I see the university hath great need of friends, great and daily need. I see my trial not hastened, so that I am neither able to assist your great occasions myself, nor procure friends for them. I see that if you had another chancellor, you could not want the help which now you do. And I cannot but know, that were your love never so great to me, it must needs cool, when you see me able to give no assistance, and yet fill the place which should afford it to you: and I should hardly satisfy myself that I love you so well as I do, if I did not further your good happiness by all the means I can, and even by this my resignation.

The serious consideration of these things, and the foresight which I have, that I shall never be able to serve you as I have done, have prevailed with me, at this time, to send the resignation of the chancellorship to your body, met in convocation; and I do hereby pray you that it may be publickly read and accepted, the time being now most fit; that so your honourable succeeding chancellor may presently appoint an able deputy for the government, according to his own judgment.

And now, I do earnestly desire of you all, either to remember or to know that I never sought or thought of the honour of this place to myself; and yet that, since it was by the great favour and love of that university laid upon me, I have discharged it, by God's grace and goodness to me, with great pains and care; and God's blessing, I humbly thank him, hath not been wanting. And I professs singly, and from my heart, if there be any good which I ought to have done to that place, and have not done it, it proceeded from want of understanding or ability, not will or affection. And though I do, for the causes aforesaid, resign this place, yet I shall serve it still with my prayers, so long as God continues my life.

And as I doubt not but God will bless you with an honourable chancellor, and one able to do more for that place than I have been, so I pray God to give you a peaceable and quiet election, and to direct it to the good of this his church, and the honour and happiness of that famous university; that you may have no miss, in the least, of me, who, after your prayers heartily desired, now writes himself, the last time,

Your very loving, poor friend, and chancellor,

W. Cant.

From the Tower, June 25, 1641.

Amplissimo et Reverendissimo Domino Gulielmo Archi-Præsuli Cantuariensi.

Reverendissime Archi-Præsul—Hoc enim solum tibi (sic voluisti) nomen relictum est—

Novissimæ literæ tuæ, amoris, sed et doloris, plenæ, fecerunt ut dehinc nos planè ære dirutos diruptosque profiteri debeamus. Cum effusissimo amori tuo, verbis (quod unicum nobis suppetit peculium) ut paria faceremus, nunquam sperandum fuit; nedum dolori nostro verba nos reperturos paria; ne si passis quidem eloquentiæ velis vehi, et totâ doloris prærogativâ frui liceret. Hodie verò, ut sunt tempora, ad justissimum dolorem nostrum non levis hic accessit cumulus, quòd eum in sinu premere et quasi strangulare necesse habeamus; quibus ne illud quidem tutò queri licet, in ea nos tempora incidisse, in quibus singulari tuæ prudentiæ et erga nos amori consultissimum visum sit, nostraque quàm maximè interesse, ut Res ac Fortunas nostras à tuis segreges habeamus et sejunctas. Quanquam verò supremo numini sic visum est, et illud nobis beneficii loco imputandum haberes, quòd maximum beneficiorum tuorum, teipsum, à nobis segregares, et cancellarii munus abdicares; affectus tamen tuus erga academiam nostram propensissimus, tum literis tuis novissimis, tum aliis frequentibus argumentis abundè testatus, dubitare nos non sinit, quin deposito invidioso cancellarii titulo, aman-

tissimi patroni affectum adhuc in sinu tuo retineas. Quamdiu manuscripta[1] illa κειμήλια tua, orientis spolia, et verè ἡλίου ἀναθήματα bibliothecam nostram illustrabunt; quamdiu lectura Arabica, à te[2] dotata, frequentabitur; quamdiu antiquitatis vindices simul et testes antiqua[3] numismata visentur; quamdiu castigatior disciplina, mores emendati, morumque canon statuta vigebunt; quamdiu pro studio partium bonarum artium studia colentur; quamdiu literis honos, honori literæ erunt, cancellarium adhuc esse te, sentient præsens ætas; fuisse, postera agnoscet. Dehinc, immortalitatis securus, gloriæque tuæ superstes, diu hîc posteritati tuæ intersis; ac demum, ubi mortalitatis numeros omnes impleveris, plenus annis abeas, plenus honoribus, illis etiam quos abdicasti. Ita vovet

Amplitudini tuæ omni cultûs ac observantiæ nexu devinctissima,

ACADEMIA OXON.

Dat. è Domo Convocat. 6 *Julii*, 1641.

A Letter from Archbishop Laud to the Vice-Chancellor.

Master Vice-Chancellor,

AND you, gentlemen, the rest of my ancient friends and fellow-students, God, whose judgments are inscrutable, before whom the wisdom of the children of men is but foolishness, hath been pleased to lay his afflictions on me with a heavy hand; glorified be his name in all his works; but no one among all the numbers of my miseries hath, or does more afflict me, then that I am, by my misfortunes, made incapable of serving you, and that famous nurse of good letters, your university, (of which I had sometimes the honour to be chancellor,) with that intire zeal and devotion which my intentions aimed at: Man purposeth, and God disposeth; otherwise, had his Almighty will been concurrent to my wishes, my endeavours should have rendered Oxford the glory of the Christian world, for good literature; but mens hopes resemble much sun, that at his rising and declension casts large shadows, at noon, when he is cloathed in all his brightness, casts little or none at all: when we are farthest from our expectations, they appear nearest to our hopes; our hopes feeding our imaginations with the prosperity of our intents, which then approach swiftly to ruin, like quite spent tapers, that give a sudden flash ere they extinguish. It was just so with me, who now, instead of all the honours I possessed, am a prisoner, and so like to continue; and would take it as an ample testimony of God Almighty's mercy to me, were I but assured to carry my grey hairs down to the grave in peace: but his will be done in earth, as it is in heaven. I shall endeavour to make the best of my sufferings, that I may say, with the psalmist, "It was good for me that I was in trouble." And surely I shall so demeane myself towards God, my king, and the commonwealth, in this my durance, that in my very enemies I shall beget compassion, in you, my friends, a hearty sorrow for my miseries, which have taught me that true dictamen of wisdom, that I shall advise all, especially you of mine own calling, the clergy, never to meddle with things above your reach; I mean state affairs; but to devote yourselves solely to the service and worship of God, the true feeding the flocks committed to your charge; for dangerous it is to meddle with the councel of kings, especially for those who have professed themselves ministers of the Almighty, on whose laws they ought only to meditate; the affairs of state being theatres, on which whosoever acts his part, though it appear to him comical in the be-

[1] MSS. Cod. plus quàm MCCC. De quibus plus quàm CCCXXX Linguis Oriental. scripti, et paulò minus C. Ling Gr.

[2] Salarium professoris Ling. Arab. XL. lb. Annuæ. [3] Hebr. Græc. Roman. Famil. et Imper. Britannic.

ginning, the end will produce his own tragedy, if he look not with the greater care to his performance; as it happened to that most famous clergyman of all our nation, that great cardinal Woolsey; whom some (in a merry mockery) have unaptly made my parallel in dignity and fortune; who, loden with disgraces, *jam sumus ergo pares*, not long before his departing minute, exclaimed, that if he had served God but with half that integrity he had done the king, he would not have so deserted him in his old age. How I have served my king, then whom no man ever had the happiness to serve a more gracious master, the world must be my judge; how I have performed my duty to God, of that, my own conscience; nor shall I strive to give the world satisfaction in that point, only desire them to remember that divine command, "Judge not, lest you be judged." Howsoever I have demeaned myself, it is enough I now suffer, without either repining at the will of the Almighty, or exprobrating mine accusers with the least accusation of malice, though never man hath had so many scandalous abuses cast upon him; none ever (considering my calling) having been made so notorious a subject for ridiculous pamphlets and ballads.[1] But it is not I alone that have indured injuries of that nature; they have fallen, with the same licencious petulancy, upon betters; and I have long since studied that precept of the wise man, "When a fool reviles thee, regard him not:" and so enough of this matter, and all other, but the main cause of my writing to you. Impute this needless exordium to my human weakness, which is always prone to tediousness in relation of its misfortunes to those it is confident will lament and pity them; an instance whereof we have in children, who use to bemone themselves to their mothers and nurses, purposely to have them bemone them. But to my bussines:—It is not unknown to you, gentlemen, nor to me, though darkness and the shadow of death have even incompassed me round, what myriads of increasing mischiefs these times have produced in this languishing and almost expiring kingdom; dissentions, wars, bloodsheds reigning in every place; fellow-subjects, like the ancient sword-players in the Roman cirques and amphitheatres, butchering one another, merely for their delight in blood.

Fraternus acies alternaque jura profanis,
De certata odiis,

[1] One Henry Walker, an iron-monger, the same who, on King Charles entering the city of London, cried out, "To your tents, O Israel!" and threw a pamphlet, so entitled, into his coach, was active in exercising his wit against the fallen archbishop. He wrote the bishop of Canterbury's dream, Canterbury's pilgrimage, and Canterbury's change of diet. Wood records the other insults with which the fallen prelate was assailed by the triumphant fanatics.

"Among, and above the rest, there were three men, viz. Hen. Burton, a minister in Friday Street, in London, Dr John Bastwick, a physician, and William Prynne, a common lawyer, who had been censured in the star-chamber, for notorious libels, printed and published by them, against the hierarchy. The faction of the Brownists, and these three saints, with their adherents, filled the press almost daily with ballads and libells, full of all manner of scurrility, and more untruth, both against the archbishop's person and his calling. They were cried about London streets, and brought (many of them) to Westminster, and given into divers lords' hands, and into the hands of the gentlemen of the house of commons, and yet no order taken by either house to suppress the printing of such known and shameless lies as most of them contained; a thing which many sober men found fault withal, and which, as 'twas then believed, had hardly been seen in any civil commonwealth, Christian or other. Besides these libels and ballads, which were sung about the streets, they made base pictures of the archbishop, putting him into a cage, and fastening him to a post, by a chain at his shoulder, and the like. Divers of these libels made sport in taverns and ale-houses, where too many were as drunk with malice as with the liquor they sucked in. Against which his only comfort was, that he was fallen but in the same case with the prophet David, Psal. lxix. 'For they that sate in the gate spake against me, and I was the song of the drunkards.' From that time till his death, and after, these libels and ballads continued without controul. But this was not all; for some of these rascally people came to him in the Tower, taunted at, and gave him very foul and ill language; and some there were that took opportunity to preach in the chapel of St Peter ad Vincula, within the said Tower, purposely to abash and confound him, (if present, as sometimes he was;) particularly one Jocelin, who preached there on the fifteenth of May, 1642, with vehemency becoming Bedlam, with treason sufficient to hang him in any other state, and with such particular abuse to the archbishop, that women and boys stood up in the church, to see how he could bear it. Histext was Judges, v. 23. 'Curse ye Meroz,' &c."—Wood's *Athenæ*, II. 59.

May fitly be applied to the condition of our distressed country, whose soul is, as it were, divided from the body, and itself only the carcase of that England it was formerly; the kings gracious majesty, by fatal fears and misconstructions, being separated from the body of the common-wealth, the honourable, the high court of parliament. And if any comfort can arrive to make a man love his misery, or take delight in his enthralment, certainly I have, that my durance was inflicted on me before this sad and lamentable breach (which Heaven, in its great mercy, soon knit up) happened betwixt his majesty and his parliament; for, had I been at liberty, and enjoyed the gracious ear of my sovereign, as formerly, surely I had not been to have had that aspersion cast upon me, as the author of this distraction; such a fatality as always attendant on persons high in the favour of their prince, to have all the misfortunes of the commonwealth inflicted on them, who may be, perchance, not only innocent, but have also indeavoured to have diverted from the state those mischiefs of which they are suspected by some, and by some concluded to have been the main incendiaries. And surely I could wish, so my sufferings might have impeached the impetuous current of the kingdoms miseries, that I had undergone a thousand deaths before this disjunction had fallen out between the high court of parliament and his majesty, who being, as I am informed, now with you at Oxford, and intending there to reside, I thought myself ingaged in conscience to intimate my intentions to you, and to give you that counsel, which if any one had given me in my prosperity, I might, perchance, at this instant not have been unhappy. I know there are among you divers of great and able souls: take heed, I beseech you, lest you pervert those excellent gifts which God and education hath conferred upon you, by intruding yourselves into the affairs of the state, and inverting religion, to advance and cherish the present distractions. The king is now amongst you; a good and gracious prince he is, as ever Heaven blest this land with. Do not you, by any ends whatsoever, increase the number of those malignants who have given fire to all the cedars of Lebanon, at once kindled a flame, which, in a moment, hath almost burn'd up all the glories of this kingdom. Let neither the disgraces cast on the clergy by some factious spirits, without the licence or patronage of the parliament, incense you to cherish the distractions betwixt his majesty and that honourable and wise assembly, nor hope of preferment seduce you to it; for, credit me, who hath more experience in such affairs than many of you, though the beginning of proceedings of that nature may, in fair and specious outsides, court your imaginations, their period will be nothing but confusion and bitterness to the undertakers, as other sins are, which, like subtile panthers, display their gorgeous spots to intice the traveller to gaze upon them, till the careless wretches are surely in their reach, and then they assault and devour them. It is ill going between the bark and the tree, (says the proverb;) take heed of it: there is as near a relation betwixt the king and his parliament; and though they may a while be separated, that violence cannot be long lived; it will at last conclude in the ruin of those that have caused this separation; they will be sure to suffer. It cannot be but offences must come; but woe be to them from whom they come: mischiefs always meet their catastrophes in the destruction of their authors. Since, then, his majesty hath graciously been pleased to honour your university and city with his royal presence, like good Samaritans, endeavour to pour balm and oil into the wounds of the commonwealth; labour, as much as in you lies, to compose these dissentions. It is your calling to propagate peace as well as the gospel, which is the testimony of peace, given by the King of Peace to the children of men. You may inform his majesty, even out of your pulpits, and boldly, that nothing is more perquisite to the duty of a sovereign, than to acquire and advance the good of his subjects; which can no way so well and suddenly be effected, as by a fair accommodation of peace between his royal self and his high court of parliament: And, as an incitement to move his majesty to think of it, if such a wretched man as I be not quite lost to his memory, tender this to him, as the humblest petition of his unfortunate servant,—that his goodness

would vouchsafe to reflect on my sufferings, who am impossibilitated, by his absence, of ever coming to my tryal, and so likely to end my days in a prison: but this only as the least motive, because it is for myself. But further, beseech his highness, from me, to look with a compassionate and tender eye on the religion, nobility, and commons of this unhappy kingdom, and, by a speedy reconciliation with the honourable the high court of parliament, at once finish all their miseries. And, lastly, pray you signify to his majesty, that I lay my life down in all humility at his royal feet, beseech God day and night for his prosperity, peace, and happiness, desiring no longer life for any end but this, to see his majesty, the glory of our Israel, return to his Jerusalem, all differences attoned betwixt him and his parliament, which are the continual prayers of his highness's humblest servant, and your true friend,

W. C.

FINIS.

A briefe Relation of the Death and Sufferings of the Most Reverend and Renowned Prelate the Lord Archbishop of Canterbury; with a more perfect Copy of his Speech, and other Passages on the Scaffold, than hath beene hitherto imprinted. From the Collections of Sir Francis Eyles Haskins Styles, Baronet.

JEREM. XXVI. 14, 15.

14. As for mee, behold I am in your hands, do with mee as seemeth good and meete unto you:
15. But know ye for certaine, that if yee put mee to death, ye shall surely bring innocent blood upon yourselves, and upon this city, and upon the inhabitants thereof, &c.

IT is a preposterous kinde of writing, to beginne the story of a great man's life at the houre of his death; a most strange way of setting forth a solemn tragedie, to keepe the principall actor in the tyring-house till the play be done, and then to bring him on the stage, onely to speake the epilogue, and receive the plaudites: yet this must bee the scope and method of these following papers. To write the whole life of the most reverend and renowned prelate the lord archbishop of Canterbury, would require more time then publique expectation can endure to heare of. Those that can judge (as all wise men may) of the brightnesse and glories of the sunne, in his highest altitude, by the clearnesse of his going downe, or that can *ortum solis in occasu quærere*, discerne the rising of the sunne (as once Straton did) by the reflection of his beames in a westerne cloud, may, by the glorious manner of his death and sufferings, presented in these short remembrances, conjecture at the splendour of those rare endowments, both of grace and nature, wherewith his former life was adorned and beautifyed. The ordinary and unsatisfied reader may, for his farther satisfaction, repaire to Master Prynn's Breviate of his life and actions, though published of purpose to defame him, and render him more odious to the common people: concerning which, the reader may observe, in briefe, that all which Mr Prynn's industrious malice hath accused him of in those collections is, that hee was a man of such eminent vertues, such an exemplary piety towards God, such an unwearied fidelity to his gracious soveraigne, of such a publique soule towards church and state, so fixt a constancy in friendship, and one so little biassed by his private interesses,—that this age affords not many equalls: and it would trouble Plutarch (if he were alive) to find out a fit pa- Just. hist. l. 11.

rallel with whom to match him. All, therefore, I shall doe, at the present time, (and 'tis the last publique office I shall doe him,) is, to lay down the story of his death and sufferings, together with a view of those plots and practises which were set on foote, to pluck a few yeares from a weake old man, and bring him to an unnaturall, calamitous end; for though that maxime in philosophy is most true and certaine, that *corruptio est in instanti*, that death comes to us in a moment, or in the twinkling of an eye, as the Scriptures phrase is; yet are there many previous dispositions which make way unto it, all which are comprehended in the name of death. And in that latitude of expression doe we take the word, in laying downe the story of his death before you; which, being writ out of an honest zeale to truth, and a sincere affection to his name and memory, shall either bee approved of, or at least excused.

1 Cor. 15. 52.

II. It was the practice and position of the antient donatists, (the predecessours and progenitors of the modern puritan,) *occidere quemcunq. qui contra eos fecerit;* to kill and make away whoever durst oppose their doings, or was conceived to be an hinderance to their growing faction: and by this card their followers in these kingdomes have beene steered of late, imprisoning and destroying all who have stood against them. It is long since they entertained such desperate purposes against the life and person of the lord archbishop, threatning his death in scattered libels, telling him that his life was sought for; that neither God nor man could endure so vile a counsellour to live any longer. This was about the end of March, 1629, and was the prologue to those libells, full of threats and scandalls, which, yeare by yeare, exasperated and inflamed the people, till they had made them ripe for mischiefe, and readily prepared to execute whatever their grand directours should suggest unto them. Saint Paul did never fight more frequent and more terrible combats with the beasts of Ephesus, for the promotion of the gospell, then he with these untractable and fiery spirits, who most seditiously opposed his religious purposes of setling unity and uniformity in this church of England. And in this state things stood till the yeare 1640, in which not onely many factious and seditious people, in and about the city of London, made an assault by night on his house at Lambeth, with an intent to murther him, had they found him there, but the whole faction of the Scots declared, in a remonstrance to the English nation, that one of the chiefe causes which induced them to invade this realme was, to remove him from his majesty, and bring him to the punishment which he had deserved. The manner of their comming hither, and the great entertainment given them by the faction here, shewed plainely that they were not like to bee sent away without their errand, and makes it evident that his ruine was resolved on in their secret counsells, before the parliament was called, or that they had declared so much by their will revealed.

Opt. de Sahis. Donatist. l. 1.

III. The parliament had not long continued but he is named for an incendiary, by the Scottish commissioners, and thereupon accused of treason by the house of commons. And although no particular charge was brought against him, but only a bare promise to prepare it in convenient time, yet was he presently committed to the custody of the gentleman-usher, and by him kept in duresse till the end of February, (being full tenne weeks,) about which time his charge was brought unto the lords, but in generals only, and longer time required for particular instances. And yet upon this Lydford law (by which they used to hang men first, and endite them afterwards[1]) was he committed to the Tower, being followed almost all the way by the rascall multi-

Decemb. 18, 1640.

March 1, 1640.

[1] In Scotland, *Jedburgh justice* is synonymous to Lydford law. The English proverb is alluded to by Brown, in his burlesque verses on the village of Lydford.

I oft have heard of Lydford law;
That in the morn they hang and draw,
And sit in judgment after.

tude, who barbarously pursued him, with reproach and clamours, to the very gates, and there detained, contrary to all law and justice, almost four yeares longer. This was the first great breach which was made by parliament in the liberties of the English subject, (save that their like proceeding with the earle of Strafford was a preparative unto it,) and was indeed the very gappe at which the slavery and oppression under which this miserable nation doth now pine and languish did break in upon them. What right could meaner persons looke for, when as so great a peere was doomed to so long imprisonment, without being called unto his answer? What else hath filled so many prisons, in most parts of the kingdome, with the best and wealthiest of the subjects, but the most dangerous effects and consequences of this woful president? which, as it was the leading case unto all our pressures, so might those pressures have beene remedied, had the subjects made his case their owne, and laboured to prevent it in convenient time. But such a miserable infatuation had befallen them generally, that seeing they did see, but would not perceive. Matth. 13. 14.

IV.

But yet the malice of his enemies was not so contented; for though some of the more moderate (or rather the lesse violent) lords, who did not pierce into the depth of the designe, gave out that they intended only to remove him from his majesty's eare, and to deprive him of his archbishoprick, (which resolution, notwithstanding, being taken up before any charge was brought against him, was as unjust, though not so cruell, as the others;) yet they shewed, only by this overture, that they did reckon without their hosts, and might be of the court, perchance, but not of the counsell. The leading and predominant party thought of nothing lesse then that he should escape with life, or go off with liberty; only, perhaps, they might conceive some wicked hopes, that either the tediousnesse of his restraint, or the indignities and affronts which day by day were offered to him, would have broke his heart, not formerly accustomed to the like oppressions: and then, like Pilate in the Gospel, they had called for water, and washed their hands before the multitude, and said that they were innocent of the bloud of that righteous person; thinking that, by such wretched figge-leaves, they could not only hide their wickednesse, and deceive poore men, but that God also might be mocked, and his all-seeing eye deluded, to which all hearts lye open, all desires are knowne, and from which no secrets can be hidden. To this end, not content to immure him up within the walls of the Tower, they robbe him of his meniall servants, restraine him to two only of his number, and those not to have conference with any others, but in the presence of his warder; and, in conclusion, make him a close prisoner, not suffering him to go out of his lodging, to refresh himselfe, but in the company of his keeper. And all this while they vex his soul continually with scandalous and infamous papers, and set up factious and seditious preachers to enveigh against him, in the pulpit, to his very face; so to expose him to the scorne both of boyes and women; who many times stood up, and turned towards him, to observe his countenance, to see if any alteration did appear therein. And to the same ungodly end did they divest him of his archiepiscopall and episcopall jurisdiction, conferring it on his inferior and subordinate officers; sequester his rents, under pretence of maintenance for the king's younger children, (as if his majesties revenues, which they had invaded, were not sufficient for that purpose;) convert his house at Lambeth into a prison, and confiscate all his coals and fewell to the use of their gaoler; deprive him of his right of patronage, and take into their owne hands the disposing of all his benefices; seize upon all his goods and books which they found at Lambeth; and, in conclusion, rifle him of his notes and papers, not only such as were of ordinary use and observation, but such as did concerne him in the way of his just defence.[1] In which they did not any

Matth. 27. 24.

Octob. 26. and Novem. 29, 1642.

May 9, 1643.

As, May 15, 1642.

Oct. 23, 1641.

Nov. 8, 1642.
Jan. 5, 1642.
May 16, 1643.
May 9, 1643.
May 31, 1643.

[1] Prynne, upon the 31st April, 1643, seized his diary, his book of devotions, and his private papers, rifling even his pockets, for such as might be concealed there. He promised restitution; but of twenty-one bundles of papers, stated to be essential to his defence, only three were returned to the archbishop previous to his trial.

thing, from the first to the last, but in a proud defiance to the lawes of the land, which they most impudently violated in all these particulars: and more than so, they had proceeded, steppe by steppe, to this height of tyranny a whole year almost before they had digested their generall charge into particular accusations, or ever called him to his answer, in due forme of law.

V. But God had given him such a measure, both of strength and patience, that these afflictions, though most great and irkesome, did make no more impressions on him than an arrow on a rocke of adamant; for at his first commitment he besought his God (as Master Prynn observes, out of his Manuall of Devotions) to give him full patience, proportionable comfort, and contentment with whatsoever he should send; and he was heard in that he prayed for; for notwithstanding that he had fed so long on
Dan. 1. 13. the bread of carefulnesse, and dranke the water of affliction, yet, as the Scripture telleth us of the foure Hebrew children, his countenance appeared fairer and fatter in flesh than any of those who eat their portion of the king's meat, or dranke of his wine. And he was wont to say to his private friends, that, he thanked God, he never found more sweet contentment in his greatest liberty then in the time of that restraint. And certainly it was no wonder that it should be so, he being conscious to himselfe of no other crimes, which drew that fatall storme upon him, then a religious zeale to the honour of God, the happinesse of the king, and the preservation of the church in her peace and patrimony, as he professeth at his death, before all the people. So that, despairing of successe in the way intended, his enemies fell upon another, but more desperate course, which was, to ship him for New England, and make him subject to the insolencies of Wells and Peters, two notorious schismaticks. But this be-
April 26, 1643. ing put to the question, in the house of commons, was rejected by the major part; not out of pity to his age, or consideration of his quality, nor in respect unto the lawes so often violated, but to preserve him yet a while, as a stale, or property, wherewith to cheat the citizens of some further summes, and to invite the Scots to a new invasion, when their occasion so required; for it was little doubted, by discerning men, but that the Scots, who made their first invasion on a probable hope of sequestring the lord archbishop and the earle of Strafford from his majesties counsels, and sped it so well in their designe, that they, who were recompensed already with the death of the one, would easily be tempted to a second journey, upon assurance to be glutted with the bloud of the other.[1]

VI. And this appeares more plaine and evident, in that, about the coming on of the Scots, which was in the midst of January, 1643, they did again revive the businesse, which had long lain dormant, causing the articles which they had framed in maintenance of their former accusation to be put in print about that time, as is apparent by the test of John Browne, their clerke, dated the 17th of that month. And as the Scots advanced or slackned in their marches southward, so did they either quicken or retard the worke; till, hearing of the great successes which they had in Yorkshire, they gave command to Master Prynne (a man most mischievously industrious to dis-
In his Epistle to the Breviate. turbe the publique) to prosecute the charge against him, and bring him to his long expected triall; as he reports it of himself: who, having rifled him of his papers, and thereby robbed him of those helpes which hee had purposely reserved for his just defence, and having personal quarrels of his owne to revenge upon him, was thought to be the fittest blood-hound in the whole kennell to pursue the scent. And now there was no talke but of quick dispatch. When hatred doth accuse, and malice prosecute,

[1] Ludlow, an unexceptionable evidence, speaks this out very plainly:—"About the 16th of the same January, the Scots marched into England; and having Berwick secured for them, the first thing they attempted was, the taking of Newcastle, which they did by storm; the lords and commons, for their encouragement, having sentenced, and caused execution to be done upon William Laud, archbishop of Canterbury, their capital enemy, on the 10th of the same month."—LUDLOW'S *Memoirs*, Edin. 1751, I. 72.

and prejudice and prepossession sit upon the bench, God help the innocent: there's nothing but a miracle can preserve him then; and so it proved in the event. They called him often to the barre, both before and after; caused a strict inquisition to be made into all his actions: they winnowed him like wheate, and sifted him to the very Luke 22. 31. bran, (which was, you know, the devil's office:) they had against him all advantages of power and malice, and witnesses at hand upon all occasions; but still they found his answers and his resolutions of so good a temper, his innocence and integrity of so bright a dye, that as they knew not how to dismisse him with credit, so neither could they find a way to condemne him with justice. And though their consciences could tell them that hee had done nothing which deserved either death or bonds, yet, either to reward or oblige the Scots, who would not think themselves secure whilst his head was on, they were resolved to bring him to a speedy end: onely they did desire, if possible, to lay the odium of the murther upon the common people: and therefore Serjeant Wilde, in a speech against him, having aggravated his supposed offences to the highest pitch, concluded thus: That he was guilty of so many and notorious treasons, so evidently destructive to the commonwealth, that he marvelled the people did not teare him in pieces as hee passed between his barge and the parliament houses. Which barbarous and bloody project, when it would not take, and that, though many of the rabble did desire his death, yet none would be the executioner, they then employed some of their most malicious and most active instruments to goe from dore to dore, and from man to man, to get hands against him, and so petition those to hasten to his condemnation, which must, forsooth, be forced to their owne desires: (whereof, and of the magistrates standing still, and suffering them to proceed without any check, he gave them a memento in his dying speech.) This being obtained, the businesse was pursued with such heate and violence, that by the beginning of November it was made ready for a sentence; which some conceived would have beene given in the King's Bench, and that their proofes (such as they were) being fully ripened, hee should have beene put over to a Middlesex jury. But they were onely some poor ignorants which conceived so of it. The leading members of the plot thought of no such matter; and, to say truth, it did concern them highly not to goe that way; for though there was no question to be made at all but that they could have packed a jury to have found the bill, but, by a clause in the attainder of the earle of Strafford, they had bound the judges not to declare those facts for treason, in the time to come, for which they had condemned and executed that heroicke peere: and therefore it was done, with great care and caution, to proceed by ordinance, and vote him guilty first in the house of commons; in which being parties, witnesses, and judges too, they were assured to passe it as they would themselves; which was done accordingly, about the 20th of November.

VII. But yet the businesse was not done; for the lords stuck at it: some of which having not extinguished all the sparks of honour, did, by the light thereof, discover the injustice of so foule a practice, together with the danger that might befall themselves, if once disfavoured by the grandees of that potent faction:—a thing so stomacked by the commons, that, after some evaporations of their heate and passion, which broke out into open threats, they presently drew and sent up an ordinance to the lords, tending to dispossesse them of all power and command in their armies. But fearing this device was too weake to hold, they fall upon another and a likelier project, which was, to bring the lords to sit in the commons house, where they were sure they should be inconsiderable, both for power and number. And to effect the same with more speed and certainty, they had recourse to their old arts, drew down Sir David Watkins, with his general muster of subscriptions, and put a petition in his hands, to be tendred by him to the houses, that is, themselves; wherein it was required, amongst other things, that they would vigorously proceed unto the punishment of all delinquents; and that,

for the more quick dispatch of the publick businesses of the state, the lords would please to vote and sit together with the commons. On such uncertaine termes, such a ticklish tenure, do they now hold their place and power in parliament, who so officiously complied with the house of commons, in depriving the bishops of their votes, and the churches birth-right. And this was it which helped them in that time of need; for by this (though stale and common) stratagem did they prevaile so far upon some weak spirits, that the earles of Kent, Pembroke, Salisbury, and Bullingbrook, the lords North, Gray of Wark, and Brews,[1] (a Scotchman, but an English baron, and generally called the earle of Elgin,) resolved to yield unto the current of so strong a streame, and thought they made a gaining voyage, if, by delivering the lord archbishop to the peoples fury, they might preserve themselves in the peoples favour. And we know well, both who it was, and what end he came to, who, though he knew that the accused party was delivered him out of envy onely, and that he found no evill he was guilty of, yet being wearied with the clamours and the crucifiges of the common people, and fearing that some tumult would be made about it, delivered him unto his enemies, to be put to death. And for those other lords who withdrew themselves, and neither durst condemne nor protect the innocent, (though far the major part, as it is reported,) it is not easy to determine whether their conscience were more tender, their collusion grosser, or their courage weaker. All I shall say is onely this, that Claudias Lysias, in the Acts, had beene as guilty of Saint Paul's death as any of the forty who had vowed to kill him, if, upon notice of the plot which was laid to murther him, he had brought him down unto the people, or not conveied him, with a strong guard, to the court of Felix. The journies end must needs be foule, which such lewd and crooked waies do conduct unto. And it is worth your observation, that the same day, the fourth of January, in which they passed this bloudy ordinance, (as if therein they would cry quittance with his sacred majesty, who on the same accused the six guilty members,) they passed another for establishing their new directory; which, in effect, is nothing but a totall abolition of the common prayer booke; and thereby shewed unto the world how little hopes they had of settling their new forme of worship, if the foundation of it were not laid in bloud.

Mat. 27. v. 18, 22, 23, 24, 26.

Act. 23, v. 13, 20, 23, &c.

VIII. The bill being thus dispatched in the house of lords, (if still they may be called the lords, which are so over-loaded by the common people,) there wanted yet the king's assent to give life to it, which they so far contemned, (they had more reason to despare of it,) that they never sought it. They had screwed up their ordinances to so high a pitch, that never act of parliament was of more authority; and having found the subjects so obedient as to yield unto them in matters which concerned them in their goods and liberties, it was but one step more to make triall of them whether they would submit their lives to the selfe same tyranny; and this they made the first experiment in this kind, both of their own power and the people's patience; he being the first man, as himselfe noted in his speech, (which words are purposely omitted in Hindes copy of it,) that was ever put to death by ordinance in parliament; but whether he shall be the last, further time will shew. Certaine it is, that, by this ordinance, they have now made themselves the absolute masters of the subjects life, which they can call for at their pleasure, as, no doubt, they will, and left him nothing but his fetters he can call his owne. Just as it was observed by our gracious soveraigne, upon occasion of the ordinance for the 20th part, that the same power which robbed the subject of the twentieth part of their estates, had by that only made a claime, and entituled itselfe to the other nineteen, whensoever it should be thought expedient to hasten on the generall ruine;

Declaration about the twentieth part.

[1] Sir Philip Warwick assures us, that Lord Bruce, when charged, by him, with his share in the death of Laud, bid him "believe him in nothing he should ever aver, if it were not true, that he was not present, nor concurred in that vote." Six lords, therefore, formed the house of peers which passed such a mean and pusillanimous resolution.

in which his majesty hath proved but too true a prophet. And though, perhaps, some of the people were well pleased with this bloudy ordinance, and ran with joy to see it put in execution, yet all wise men doe looke upon it as the last groane or gaspe of our dying liberty. And let both them and those who passed it be assured of this, that they who doe so gladly sell the bloud of their fellow-subjects, seldome want chapmen for their owne, in an open market.

IX. And here it was once observed that the predominant party of the United Provinces, to bring about their ends, in the death of Barnevelt, subverted all those fundamentall lawes of the Belgick liberty, for maintenance whereof they took up arms against Philip the 2.: so would I know which of those fundamentall lawes of the English government have not been violated by these men in their whole proceedings; for preservation of which lawes, (or rather under colour of such preservation,) they have bewitched the people unto this rebellion. It is a fundamentall law of the English government, and the first article in the *Magna Charta*, that the church of England shall be free, and shall have her whole rights and privileges inviolable; yet, to make way unto the condemnation of this innocent man, and other the like wicked and ungodly ends, the bishops must be voted out of their place in parliament, which most of them have held farre longer in their predecessors, then any of our noble families in their pregenitours. And if the lords refuse to give way unto it, (as at first they did,) the people must come downe into the house in multitudes, and cry, No bishops, no bishops, at the parliament doores, till, by the terrour of their tumults, they extort it from them. It is a fundamentall law of the English liberty, that no free man shall be taken or imprisoned without cause shewne, or be detained without being brought unto his answer, in due form of law; yet here we see a free-man imprisoned tenne whole weekes together, before any charge was brought against him, and kept in prison three years more, before his generall accusation was by them reduced into particulars, and, for a yeere, almost, detained close prisoner, without being brought unto his answer, as the law requires. It is a fundamentall law of the English government, that no man be disseised of his freehold or liberties, but by the knowne lawes of the land; yet here wee see a man disseised of his rents and lands, spoyled of his goods, deprived of his jurisdiction, divested of his right and patronage; and all this done when hee was so farre from being convicted by the lawes of the land, that no particular charge was so much as thought of. It is a fundamentall law of the English liberty, that no man shall be condemned, or put to death, but by lawfull judgement of his peeres, or by the law of the land, *i. e.* in the ordinary way of a legall tryall: and, sure, an ordinance of both houses, without the royall assent, is no part of the law of England, nor held an ordinary way of triall for the English subject, or ever reckoned to be such in the former times.[1] And, finally, it is a fundamentall law in the English government, that if any other case, (than those recited in the statute of King Edward 3.,) which is supposed to be treason, doe happen before any of his majesties justices, the justices shall tary, without giving judgement, till the cause be shewne and declared before the king and his parliament, whether it ought to be judged treason or not; yet here wee have a new found treason, never knowne before, nor declared such by any of his majesties justices, nor ever brought to be considered of by the king and his parliament, but onely voted to be such by some of those few members

Magna Ch. c. 1.

Magna Ch c. 29; 28 Ed. 3.; and the petition of rights.

Magn. Chart. c. 29; 28 Edw. 3.

Ibid.

25 Edw. 3.

[1] On this subject, Sir Philip Warwick observes,—"What this word ordinance signified, was grown so unintelligible, that I could never meet with any who clearly could expound it, either by good books or authority: but this, on all hands, was agreed on, that an ordinance was never of universal force, but where the king concurred in it, and then it was esteemed as a law is now; and when it passed from the two houses singly, it was only in parliament-time, and had no force longer, and never had force or general influence upon the people, nor further extent than to the two houses. So that it was as much impudence, and imposition upon men's understandings, to have it extended to any private man's estate, as it was injustice and cruelty to make it reach unto the decapitation of this reverend and gray head. And thus we may see how this body of men who cry out against arbitrary government in a prince, can, even to blood, remorselessly execute it by themselves."—Sir P. Warwick's *Memoirs*, p. 168.

which remaine at Westminster, who were resolved to have it so, for their private ends. Put all which hath been said together, and then tell me truly, if there be any difference (for I see not any) between the ancient Roman slaves and the once free-born subjects of the English nation, whose life and liberty, whose goods and fortunes depend on the meere pleasure of their mighty masters.

X. But to returne unto our story. The passing of the ordinance being made knowne unto him, he neither entertained the newes with a stoicall apathie, nor wailed his fate with weake and womanish lamentations, (to which extreames most men are carried in this case,) but heard it with so even and so smooth a temper, as shewed he neither was afraid to live, nor ashamed to die. The time betweene the sentence and the execution he spent in prayers and applications to the Lord his God; having obtained, though not without some difficulty, a chaplaine of his owne to attend upon him, and to assist him in the worke of his preparation, though little preparation needed, to receive that blow which could not but be welcome, because long expected; for so well was he studied in the art of dying, (especially in the last and strictest part of his imprisonment,) that, by continuall fasting, watching, prayers, and such like acts of Christian humiliation, his flesh was rarified into spirit, and the whole man so fitted for eternal glories, that he was more then halfe in heaven before Death brought his bloudy (but triumphant) chariot to convey him thither. He that had so long been a confessour, could not but thinke it a release of miseries to be made a martyr. And, as is recorded of Alexander the Great, that the night before his best and greatest battaile with Darius, the Persian, he fell into so sound a sleepe that his princes hardly could awake him when the morning came; so is it certified of this great prelate, that, on the evening before his passover, the night before the dismall combat betwixt him and death, after he had refreshed his spirits with a moderate supper, he betook himselfe unto his rest, and slept very soundly, till the time came in which his servants were appointed to attend his rising:—a most assured signe of a soule prepared. The fatall morning being come, he first applyed himselfe to his private prayers, and so continued, till Pennington,[1] and other of their publique officers, came to conduct him to the scaffold, which he ascended with so brave a courage, such a chearfull countenance, as if he had mounted rather to behold a triumph, than to be made a sacrifice, and came not there to die, but to be translated. And, to say truth, it was no scaffold, but a throne; a throne, whereon he shortly was to receive a crowne, even the most glorious crowne of martyrdome.[2] And though some rude, uncivill people reviled him, as he passed along, with opprobrious language, as loth to let him go to the grave in peace, it never discomposed his thoughts, nor disturbed his patience; for he had profited so well in the schoole of Christ, that when he was reviled, he reviled not again; when he suffered, he threatened not, but committed his cause to him that judgeth righteously. And, as he did not feare the frownes, so neither did he covet the applause of the vulgar herd, and therefore rather chose to read what he had to speake unto the people, than to affect the ostentation either of memory or wit, in that dreadfull agony; whether with greater magnanimity or prudence, I can hardly say. As for the matter of his speech, besides what did concerne himselfe and his owne purgation,

Plutarch in Alexander.

Friday, Jan. 10, 1644.

1 Pet. 2. 23.

[1] Lord-mayor of London, and then lieutenant of the Tower.

[2] "When sentence was given upon him, this good archbishop, who was naturally fearful of a violent death, was so assisted by God's grace, that he was modestly forward to undergo it; and upon the day of his execution, he undauntedly marched to the scaffold, though he was haunted by two ill spirits, Hugh Peters and Sir John Clotworthy, all his way thither; who, even upon the scaffold, (like instruments of the great adversary of mankind,) were disturbing him by inhumane interrogatories, when he had most need to have had his thoughts in best repose. But, forgiving them and all the world besides, with great steadiness, gravity, and piety, he appeared to make his own funeral sermon with less passion than he had, in former times, made the like for a friend. His speech is well worth the reading, and his most Christian deportment in laying down his life is most worthy the remembering. And so we shall leave him, now removed from London, (where he was first buried,) interred with his faithful friend, Archbishop Juxon, in St. John's College, in Oxford, to which they were both very great benefactors."—Sir P. Warwick's *Memoirs*, p. 171.

his great care was to cleare his majestie and the church of England from any inclination unto popery; with a perswasion of the which the authors of our present miseries had abused the people, and made them take up armes against their soveraigne. A faithfull servant to the last. By meanes whereof, as it is said of Sampson, in the booke of Judges, Judg. 16. 30. that the men which he slew at his death were more then they which he slew in his life, so may it be affirmed of this famous prelate, that he gave a greater blow unto the enemies of God and the king at the houre of his death than he had given them in his whole life before; of which I doubt not but the king and the church will find speedy fruits. But this you will more clearely see by the speech itselfe, which followeth here, according to the best and most perfect copies.

A Speech of the L. Archbishop of Canterbury, spoken at his Death, upon the Scaffold, on the Tower-hill, January 10, 1644. XI.

Good People,

This is an uncomfortable time to preach, yet I shall begin with a text of scripture: Heb. xii. 2. "Let us run with patience that race which is set before us, looking unto Jesus, the author and finisher of our faith, who, for the joy that was set before him, endured the crosse, despising the shame, and is set down at the right hand of the throne of God."

I have been long in my race; and how I have looked to Jesus, the author and finisher of my faith, he best knowes. I am now come to the end of my race; and here I finde the crosse a death of shame; but the shame must be despised, or no coming to the right hand of God: Jesus despised the shame for me, and God forbid but I should despise the shame for him. I am going apace (as you see) towards the Red Sea, and my feet are now upon the very brinke of it; an argument, I hope, that God is bringing me into the land of promise; for that was the way through which he led his people; but before they came to it, he instituted a passeover for them; a lambe it was; but it must be eaten with sowre hearbs. I shall obey, and labour to digest the sower hearbs, as well Exod. 12. 8. as the lambe: and I shall remember it is the Lord's passeover: I shall not thinke of the herbs, nor be angry with the hand which gathereth them, but looke up only to Him who instituted that, and governes these; for men can have no more power over me than what is given them from above. I am not in love with this passage through the Red John 19. 11. Sea; for I have the weaknesse and infirmities of flesh and bloud plentifully in me; and I have prayed with my Saviour, *ut transiret calix iste*, that this cup of red wine might Luke 22. 42. passe from me; but if not, God's will (not mine) be done; and I shall most willingly drinke of this cup as deepe as he pleases, and enter into this sea, yea, and passe through it, in the way that he shall lead me.

But I would have it remembred, (good people,) that when God's servants were in this boysterous sea, and Aaron among them, the Egyptians, which persecuted them, (and did, in a manner, drive them into that sea,) were drowned in that same waters, while they were in pursuit of them. I know my God, whom I serve, is as able to deliver me from this sea of bloud as he was to deliver the three children from the furnace; and (I most Dan. 3. humbly thanke my Saviour for it) my resolution is now as theirs was then: they would not worship the image the king had set up; nor will I the imaginations which the people are setting up; nor will I forsake the temple and the truth of God, to follow the bleating of Jeroboams calfe, in Dan and in Bethel. And as for this people, they are, at this day, miserably misled. (God, of his mercy, open their eyes, that they may see the right way;) for at this day the blind lead the blind, and, if they goe on, both will certainely Luke 6. 39. fall into the ditch. For myselfe, I am (and I acknowledge it in all humility) a most grievous sinner many waies, by thought, word, and deed; and I cannot doubt but that

God hath mercy in store for me, (a poore penitent,) as well as for other sinners. I have now, upon this sad occasion, ransacked every corner of my heart, and yet (I thank God,) I have not found (among the many) any one sinne which deserves death by any knowne law of this kingdome; and yet, hereby, I charge nothing upon my judges; for if they proceed upon proofe, (by valuable witnesses,) I, or any other innocent, may be justly condemned; and I thank God, though the weight of the sentence lye heavy upon me, I am as quiet within as ever I was in my life. And though I am not only the first archbishop, but the first man that ever dyed by an ordinance of parliament, yet some of my predecessors have gone this way, though not by this meanes; for Elphegus was hurried away, and lost his head by the Danes; and Symon Sudbury in the fury of Wat Tyler and his fellowes: before these, Saint John Baptist had his head danced off by a lewd woman; and Saint Cyprian, archbishop of Carthage, submitted his head to a persecuting sword:—Many examples, (great and good;) and they teach me patience; for I hope my cause, in Heaven, will looke of another dye than the colour that is put upon it here. And some comfort it is to me, not only that I goe the way of these great men, in their severall generations, but also that my charge (as fowle as 'tis made) lookes like that of the Jewes against Saint Paul, (Acts, xxv. 3;) for he was accused for the law and the temple, *i. e.* religion: and like that of Saint Stephen, (Acts, vi. 14,) for breaking the ordinances which Moses gave, *i. e.* law and religion, the holy place and the temple, (verse 13.) But you will say, doe I then compare myselfe with the integrity of Saint Paul and Saint Stephen? No, farre be that from me; I only raise a comfort to myselfe that these great saints and servants of God were laid at, in their times, as I am now. And 'tis memorable, that Saint Paul, who helped on this accusation against Saint Stephen, did after fall under the very same himselfe. Yea, but here's a great clamour that I would have brought in popery: I shall answer that more fully by and by. In the mean time, you know what the Pharisees said against Christ himself,—"If we let him alone, all men will believe in him, *et venient Romani*, and the Romans will come, and take away both our place and the nation." Here was a causelesse cry against Christ, that the Romans will come: and see how just the judgement of God was: they crucified Christ for feare lest the Romans should come, and his death was it which brought in the Romans upon them; God punishing them with that which they most feared: and I pray God this clamour of *venient Romani*, (of which I have given no cause,) helpe not to bring them in; for the pope never had such a harvest in England since the reformation as he hath now, upon the sects and divisions that are amongst us. In the meane time, "by honour and dishonour, by good report and evill report, as a deceiver, and yet true, am I passing through this world." 2 Cor. vi 6, 8. Some particulars also I think it not amisse to speak of.

John 11. 48.

And first, this I shall be bold to speake of:—the king, our gracious sovereign, he hath been much traduced also for bringing in of popery; but, on my conscience, (of which I shall give God a very present accompt,) I know him to be as free from this charge as any man living; and I hold him to be as sound a protestant (according to the religion by law established) as any man in this kingdome, and that he will venture his life as farre and as freely for it; and I thinke I doe, or should know, both his affection to religion, and his grounds for it, as fully as any man in England.

The second particular is concerning this great and populous city, (which God blesse.) Here hath been, of late, a fashion taken up, to gather hands, and then go to the great court of this kingdome, (the parliament,) and clamour for justice, as if that great and wise court, before whom the causes come, (which are unknown to the many,) could not or would not doe justice but at their appointment:—a way which may endanger many an innocent man, and plucke his bloud upon their owne heads, and perhaps upon the cities also: and this hath been lately practised against myself; [the magistrates standing still, and suffering them openly to proceed from parish to parish without checke.] God

Reader, the words included [] are left out in the speech published by Hinde.

forgive the setters of this, (with all my heart I begge it;) but many well meaning people are caught by it. In Saint Stephen's case, when nothing else would serve, they stirred up the people against him; and Herod went the same way when he had killed Saint James; yet he would not venture upon St Peter, till he found how the other pleased the people. But take heed of "having your hands full of bloud;" for there is a time (best knowne to himselfe) when God (above all other sinnes) "makes inquisition for bloud;" and when that inquisition is on foot, the psalmist tell us "That God remembers." (But that's not all:) "He remembers, and forgets not the complaint of the poore;" that is, "Whose bloud is shed by oppression," verse 9. Take heed of this. "'Tis a fearfull thing to fall into the hands of the living God," but then especially, when he is making inquisition for bloud: and (with my prayers to avert it) I doe heartily desire this city to remember the prophesy that is expressed, Jer. xxvi. 15.

Acts 6. 12.

Isa. 1. 15.

Psal. 9. 12.

Heb. 10. 31.

See the words at large in the title of this relation.

The third particular is the poore church of England: It hath flourished and beene a shelter to other neighbouring churches, when stormes have driven upon them. But, alas! now 'tis in a storme itself, and God only knowes whether, or how it shall get out: and (which is worse than a storme from without) it is become like an oake cleft in shivers, with wedges made out of its owne body; and at every cleft prophanenesse and irreligion is entering in, while, as Prosper speakes, (in his second book, *De vitæ contemptu*, cap. 4,) men that introduce prophanenesse are cloaked over with the name *religionis imaginariæ*, of imaginary religion; for we have lost the substance, and dwell too much in opinion; and that church which all the jesuits machinations could not ruine, is fallen into danger by her owne.

The last particular (for I am not willing to be too long) is myself. I was borne and baptized in the bosome of the church of England, established by law; in that profession I have ever since lived, and in that I come now to dye. This is no time to dissemble with God, least of all in matter of religion; and therefore I desire it may be remembered I have alwaies lived in the protestant religion established in England, and in that I come now to dye. What clamours and slanders I have endured for labouring to keepe a uniformity in the externall service of God, according to the doctrine and discipline of this church, all men know, and I have abundantly felt.

Now, at last, I am accused of high treason in parliament, a crime which my soule ever abhorred. This treason was charged to consist of these two parts,—an endeavour to subvert the lawes of the land, and a like endeavour to overthrow the true protestant religion established by law. Besides my answers to the severall charges, I protested my innocency in both houses. It was said, prisoners protestations at the barre must not be taken. I can bring no witnesse of my heart, and the intentions thereof; therefore I must come to my protestation, not at the barre, but my protestation, at this hour and instant of my death, in which I hope all men will be such charitable Christians as not to thinke I would dye and dissemble, being instantly to give God an account for the truth of it. I doe therefore, here, in the presence of God and his holy angels, take it, upon my death, that I never endeavoured the subversion either of law or religion: and I desire you all to remember this protest of mine, for my innocency in these, and from all treasons whatsoever. I have beene accused likewise as an enemy to parliaments. No; I understand them, and the benefit that comes by them, too well to be so; but I did mislike the misgovernments of some parliaments many waies; and I had good reason for it; for *corruptio optimi est pessima*, there is no corruption in the world so bad as that which is of the best thing in itselfe; for the better the thing is in nature, the worse it is corrupted. And that being the highest court, over which no other have jurisdiction, when 'tis mis-informed, or mis-governed, the subject is left without all remedy. But I have done. I forgive all the world, all and every of those bitter ene-

mies which have persecuted me, and humbly desire to be forgiven of God first, and then of every man, whether I have offended him or not: if he doe but conceive that I have, Lord, doe thou forgive him, and I beg forgiveness of him. And so I heartily desire you to joyne in prayer with me.

The archbishops prayer upon the scaffold.

O! eternall God, and mercifull father, looke downe upon me in mercy; in the riches and fullnesse of all thy mercies look upon me; but not till thou hast nailed my sinnes to the crosse of Christ; not till thou hast bathed me in the bloud of Christ; not till I have hid myselfe in the wounds of Christ; that so the punishment due unto my sinnes may passe over me. And since thou art pleased to try me to the uttermost, I humbly beseech thee, give me now, in this great instant, full patience, proportionable comfort, and a heart ready to dye for thy honour, the king's happinesse, and this churches preservation. And my zeal to these (farre from arrogancy be it spoken) is all the sinne (humane frailty excepted, and all incidents thereto) which is yet known to me, in this particular for which I now come to suffer: I say, in this particular of treason; but otherwise my sinnes are many and great. Lord, pardon them all, and those especially (whatever they are) which have drawne downe this present judgement upon me; and when thou hast given me strength to beare it, doe with me as seems best in thine own eyes; and carry me through death, that I may looke upon it in what visage soever it shall appeare to me, amen. And, that there may be a stop of this issue of bloud, in this more then miserable kingdom, (I shall desire that I may pray for the people too, as well as for myselfe,) O Lord, I beseech thee, give grace of repentance to all bloud-thirsty people; but if they will not repent, O Lord, confound all their devices, defeat and frustrate all their designes and endeavors upon them, which are or shall be contrary to the glory of thy great name, the truth and sincerity of religion, the establishment of the king, and his posterity after him, in their just rights and priviledges, the honour and conservation of parliaments in their just power, the preservation of this poore church in her truth, peace, and patrimony, and the settlement of this distracted and distressed people under their ancient lawes, and in their native liberties. And when thou hast done all this, in meere mercy for them, O Lord, fill their hearts with thankfullnesse, and with religious, dutifull obedience to thee and thy commandments, all their daies. So, amen, Lord Jesus, amen, and receive my soule into thy bosome, amen. Our Father which art, &c.

XII. The speech and prayers being ended, he gave the paper which he read unto Doctor Sterne, desiring him to shew it to his other chaplaines, that they might know how he departed out of this world, and so prayed God to shew his mercies and blessings on them. And noting how one Hinde had employed himselfe in taking a copy of his speech, as it came from his mouth, he desired him not to doe him wrong in publishing a false or imperfect copy: which, as Hinde promised him to be carefull of, calling for punishment from above if he should doe otherwise, so hath he reasonably well performed his promise; the alterations or additions which occurre therein being perhaps the worke of those who perused his papers, and were to authorise them to the publicke view, to fit it more unto the palate of the city faction, and make it more consistent with the credit of those guilty men who had voted to his condemnation. This done, he next applied himselfe to the fatall blocke, as to the haven of his rest; but finding the way full of people, who had placed themselves upon the theatre, to behold the tragedy, he desired he might have room to dye, beseeching them to let him have an end of his miseries, which he had endured very long. All which hee did with so serene and calm a mind, as if he had beene rather taking order for another man's funerall, then making way unto his owne. Being come near the blocke, he put off his doublet, and used some words, to this effect:—God's will be done; I am willing to goe out of this world; no man

can be more willing to send me out of it. And seeing, through the chinkes of the boards, that some people were got under the scaffold, about the very place where the blocke was seated, he called on the officers for some dust, to stop them, or to remove the people thence, saying, it was no part of his desires that his bloud should fall upon the heads of the people.[1] Never did man put off mortality with a braver courage, nor looke upon his bloudy and malicious enemies with more Christian charity. And thus farre he was gone in his way towards Paradise, with such a primitive magnanimity as equalled, if not exceeded the example of ancient martyrs, when he was somewhat interrupted in his quiet passage, by one Sir John Clotworthy, a fire-brand brought from Ireland, by the earle of Warwicke, to increase the combustions in this kingdome; who, finding that the mockings and revilings of malicious people had no power to move him, or sharpen him into any discontent, or shew of passion, would needes put in, and try what he could do with his spunge and vinegar; and stepping to him, neare the block, asked him, (with such a purpose as the Scribes and Pharisees used to propose questions to our Lord and Saviour,) not to learne by him, but to tempt him, or to expose him to some disadvantage with the standers-by, What was the comfortablest saying which a dying man could have in his mouth? To which he meeklely made this answer, *Cupio dissolvi et esse cum Christo, i. e.*, I desire to bee dissolv'd, and to bee with Christ. Being asked againe, What was the fittest speech a man could use to expresse his confidence and assurance? he answered, with the same spirit of meeknesse, that such assurance was to be found within, and that no words were able to expresse it rightly: which, when it would not satisfie the troublesome and impertinent man, (who aimed at something else than such satisfaction,) unlesse he gave some word, or place of Scripture, whereupon such assurance might bee truely founded; hee used some words to this effect,—that it was the word of God concerning Christ, and his dying for us. And so, without expecting any further questions, (for hee perceived, by the manner of Sir John's proceedings, that there would bee no end of his interruptions, if he hearkned any longer to him,) he turned towards his executioner, (the gentler and discreeter man of the two,) and gave him mony, saying, without the least distemper or change of countenance, Here, honest friend: God forgive thee; and doe thy office upon mee with mercy: and having given a signe when the blow should come, he kneeled down upon his knees, and prayed as followeth:—

The Lord Arch-bishop's Prayer, as hee kneeled by the Blocke.

XIII. Lord, I am coming as fast as I can. I know I must passe through the shadow of death, before I can come to see thee. But it is but *umbra mortis*, a meere shadow of death, a little darknesse upon nature; but thou, by thy merits and passion, hast broke through the jaws of death. So, Lord, receive my soule, and have mercy upon me, and blesse this kingdom with peace and plenty, and with brotherly love and charity, that there may not bee this effusion of Christian blood amongst them, for Jesus Christ's sake, if it bee thy will. Then, laying his head upon the blocke, and praying silently to himselfe, he said aloud, "Lord, receive my soule," which was the signall given to the executioner, who very dextrously did his office, and took it off at a blow; his soule ascending on the wings of angels into Abraham's bosome, and leaving his body on the scaffold, to the care of men:—a spectacle so unpleasing unto most of those who had desired his death with so much heat and passion, that many who came with greedy eyes to see him suffer, went backe with weeping eyes, when they saw him dead; their con-

[1] There was something of amiable superstition in this anxiety. Laud, with all his talents and learning, was a believer in omens and dreams, and has recorded many of them in his *Diary*.

sciences, perhaps, bearing witnesse to them, as you know whose did, that they had sinned, in being guilty of such innocent blood. Of those whom onely curiosity and desire of novelty brought thither to behold that unusuall sight, many had not the patience to attend the issue, but went away as soon as the speech was ended; others returned much altered in the opinion which before they had of him, and bettered in their resolutions towards the king and the church, whose honour and religious purposes they saw so clearly vindicated by this glorious martyr: and for the rest, (the most considerable, though, perhaps, the smallest part of that great assembly,) as they came thither with no other intention than to assist him with their prayers, to imbalme his body with their teares, and to lay up his dying speeches in their hearts and memories, so, when they had performed those offices of Christian duty, they comforted themselves with this, that as his life was honourable, so his death was glorious, the pains whereof were short and momentary to himselfe, the benefit like to be perpetuall unto them and others, who were resolved to live and dye in the communion of the church of England.

XIV. But to proceed, (for I have some few things to note.) It was observed, that whereas other men, when they come to the blocke, use to looke pale, and wan, and ghastly, and are even dead before the blow, he, on the contrary, seemed more fresh and cheerfull than he had done any part of the day before; a cleare and gallant spirit being like the sunne, which shews greatest alwayes at the setting. And as the Scripture telleth us of Saint Stephen, the proto-martyr, that whilst he spake his last oration before the chiefe priests and elders of the Jewes, "they of the counsell looking stedfastly upon him, saw his face as it had been the face of an angell;" so was it generally observed, not without astonishment, that all the while our martyr prayed upon the blocke, the sunne, which had not showne itselfe all the day till then, did shine directly on his face, which made him looke most comfortably, (that I say not gloriously,) but presently, as soone as the blow was given, withdrew behinde a cloud againe, and appeared no more, as we are credibly advertised by good hands from London, though it be otherwise reported in their weekly pamphlets. And if the bodies of us men be capable of any happinesse in the grave, he had as great a share therein as he could desire, or any of his friends expect; his body being accompanied to the earth with great multitudes of people, whom love, or curiosity, or remorse of conscience had drawne together, purposely to performe that office, and decently interred in the church of All-hallowes, Barking, (a church of his own patronage and jurisdiction,) according to the rites and ceremonies of the church of England. In which it may be noted, as a thing remarkable, that being, whilst he lived, the greatest champion of the Common-Prayer-Booke, here by law established, he had the honour, being dead, to be buried in the forme therein prescribed, after it had beene long disused, and reprobated in most churches of London. Nor need posterity take care to provide his monument. He built one for himselfe while he was alive: it being well observed by Sir Edward Dering, (one of his most malicious enemies, and hee who threw the first stone at him, in the beginning of this parliament,) that Saint Paul's church will be his perpetual monument, and his owne booke (against the jesuite) his lasting epitaph.

Acts, 6. 15.

In his book of Speeches.

XV. Thus dyed this most reverend, renowned, and religious prelate, when he had lived 71 yeares, 13 weekes, 4 dayes; if, at the least, he may properly be said to dye, the great example of whose vertue shall continue alwaies, not only in the mindes of men, but in the annals of succeeding ages, with renowne and fame. But how he lived, what excellent parts he was composed of, and how industriously he imployed those parts, for the advancement of Gods honour, his soveraignes power and safety, and the churches peace, will be a worke becoming a more able pen; unto whose care and diligence I commend the same. And so I leave him to that comfort which the psalmist gives him, and 'tis the greatest comfort that can befall those men who have beene tortured on the

racke of malicious tongues, viz. "The righteous shall be had in everlasting remembrance, and shall not be afraid of any evill report." Ps. cxii. v. 6, 7.

Horat. Carm. L. 4. Ode 8.

Dignum Laude virum Musa vetat mori.

And yet not leave thee thus; I faine would try
A line or two in way of elegie,
And wail so sad a losse, if to expresse
The greatnesse of it would not make it lesse;
If to lament thee might not vex thee more
Than all the scornes thou hast endur'd before,
And make thee thinke we envied thee thy start,
Or doubted that thou wer't not what thou art.
Yet, with thy leave, I needs must droppe a verse,
Write it with teares, and fit it for thy herse;
And at this distance from thy grave, which lacks
The pompes of sorrow, hang my heart with blacks.
  Religious prelate, what a calme hast thou
I' th' midst of all those turbulent stormes which now
Shipwrack this island? At how cheape a rate
Hast thou procur'd this change of thy estate?
The mitre for a crowne, a few poore dayes
For endlesse blisse, vile earth for heavenly joyes!
Such glories hast thou found, such alteration,
In this thy highest, as thy last translation.
How were thine enemies deceiv'd when they
Advanc'd thee thus, and chalk'd thee out the way;
A way so welcome to thee! No divine
But knowes the Red Sea leads to Palestine;
And that since Jesus sanctified the crosse,
Death's the best purchase, life the greatest losse.
  Nor be thou griev'd, bless't soule, that men do still
Pursue thee with blacke slaunders, and doe kill
Thy shadow now, and trample on thy ghost,
(As Hector's carcasse by the Grecian host;)
Or that thou want'st inscriptions, and a stone
T' ingrave thy name, and write thy titles on.
Thou art above those trifles, and shalt stand
As much above mens malice. Though the hand
Of base detraction practise to defame
Thy spotlesse vertues, yet impartiall fame
Shall doe thee all just honours, and set forth,
To all succeeding times, thy matchlesse worth.
No annals shall be writ but what relate
Thy happy influence, both on church and state;
Thy zeale to publicke order; thy great parts
For all affaires of weight; thy love to arts;
And, to our shame and his great glory, tell
For whose deare sake, by whose vile hands, he fell:

(A death so full of merits, of such price,
To God and man so sweet a sacrifice,
As by good church-law may his name preferre
To a fixt rubrick in the calender.
And let this silence the pure sect's complaint,—
If they make martyrs, we may make a saint.)
Or should men envy thee this right, thy praise
An obelisque unto it selfe can raise:
Thy brave attempt on Pauls, in times to come,
Shall be a monument beyond a tombe:
Thy booke shall be thy statue, where we finde
The image of thy nobler part,—thy minde:
Thy name shall be thine epitaph; and he
Which hears or reads of that, shall publish thee
Above the reach of titles, and shall say,
None could expresse thy worthes a braver way:
And thus, though murder'd, thou shalt never dye,
But live renown'd to all posterity.
Rest thou then happy in sweets of blisse,
Th' Elysian fields, the Christian's paradise,
Exempt from worldly cares, secure from feares;
And let us have thy prayers, as thou our teares.

Ad Regem Carolum.

Multis ille bonis flebilis occidit,
Nulli flebilior, quam tibi, Carole.

Horat. Carm. L. 1. Ode 24.

An Impeachment of High Treason, exhibited in Parliament, against James, Lord Strange, Son and Heire-Apparant of William, Earle of Derby, by the Commons assembled in Parliament, in the name of themselves and all the Commons of England: with an Order of the Lords and Commons, in Parliament, for the apprehending of the said Lord; to be published in all Churches and Chappels, Markets and Townes, in the County of Lancaster and Chester.

16th September, 1642.

Ordered, by the lords, in parliament assembled, that this impeachment, with the order, shall be forthwith printed and published.

John Browne, Cler. Parliament.

James, Lord Strange, afterwards Earl of Derby, to which title he succeeded by the death of his father, in 1642, was a nobleman of undaunted courage and steady loyalty. He was one of the first who took up arms for the king, and armed three regiments of his own friends and depen-

dants, with whom he made an attempt on the town of Manchester, which was occupied by the parliamentary forces. His activity and influence was so much dreaded, that the parliament offered him large terms, to which he replied, " When I turn traitor, I may hearken to these propositions, but till then let me have no more of these papers, at the peril of the bearer."—*Peck's Desiderata Curiosa*, Lib. XI. p. 450. This pertinacity procured him the distinction of being the first royalist proclaimed a traitor by the parliament, after breaking out of the war. He was beheaded after the battle of Worcester, at the town of Bolton, 15th October, 1651.

That the said James, Lord Strange, to the intent and purpose to subvert the fundamentall lawes and government of this kingdome of England, and the rights and liberties, and the very being of parliaments, and to set sedition betwixt the king and his people, did, upon the 15th day of July, in this present yeare of our Lord God, 1642, at Manchester, in the county of Lancaster, and at severall other times and places, actually, maliciously, rebelliously, trayterously, summoned and called together great numbers of his majesties subjects, and incite, perswade, and encourage them to take up armes, and leavie war against the king, parliament, and kingdome.

That the said James, Lord Strange, in further prosecution of his foresaid wicked, trayterous, and malicious purposes, did, upon the said 15th day of July, at Manchester aforesaid, and at severall other times and places, actually, maliciously, rebelliously, and trayterously, raise great forces of men and horse, and leavie war against the king, parliament, and kingdome; and, in further prosecution of the aforesaid wicked, trayterous, and malicious purposes, the said James, Lord Strange, and divers other persons, whom he had drawn into his party and faction, did also, upon the said 15th day of July, at Manchester aforesaid, maliciously and trayterously, with force and armes, and in a hostile and warlike manner, kill, murder, and destroy, Richard Parcivall, of Kirkmanshalme, in the said county of Lancaster, Lynen Webster; and did then and there, and at severall other times and places, in like hostile manner as aforesaid, shoot, stab, hurt, and wound diverse other of his majesties good subjects, contrary to the lawes and peace of this kingdom of England, and contrary to his majesties royall crowne and dignity: and the said James, Lord Strange, hath set sedition betwixt the king and his people, and now is in open and actuall rebellion against the king, parliament, and kingdome:—for which matters and things, the knights, citizens, and burgesses of the house of commons, in parliament assembled, doe, in the name of themselves, and of all the commons of England, impeach the said James, Lord Strange, of high treason: and the said commons, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any other accusation or impeachment against the said Lord Strange, and also replying to the answers the said James, Lord Strange, shall make to the premises, or any of them, or any impeachment or accusation that shall be exhibited by them, as the cause, according to course and proceedings of parliament, shall require,—do pray that the said James, Lord Strange, may be put to answer all and every the premises, that such proceedings, examinations, tryalls, and judgements, may be upon them, and every one of them, had and used, as shall bee agreeable to law and justice.

Veneris, 16 *Septembris*, 1642.

Whereas the Lord Strange, having continued a long time, and still remaining in actuall rebellion against his majestie and parliament, is for the same impeached of high treason, by the house of commons, in the name of themselves, and all the commons of England,—it is therefore ordered, by the lords and commons, assembled in parliament, that publication thereof bee made in all churches and chappels, by the curats and church-wardens thereof, and in all markets and townes, by the constables and officers

of the townes within the counties of Lancaster and Chester, to the end that all his majesties loving subjects may have notice thereof, lest they, being deceived by the specious pretences made by the Lord Strange, should assist him with men, money, munition, or any other provision, and so make themselves guilty of the like treason and rebellion; and all sheriffs, and other his majesties subjects, are hereby required to doe their best endeavour for the apprehension of the said lord, and the bringing him up to the parliament, there to receive condigne punishment, according to his demerits.

A Declaration of the several Votes and Resolutions agreed upon by both Houses of Parliament, being in all 32, for the Safety of his Majesty's Person, the Defence of the Kingdome, and the Security of both Houses of Parliament, and the Priviledges thereof; whereunto is annexed the Votes at which his Majesty takes exceptions. May, 1642.

Ordered, that these votes and resolutions be printed and published.
Jo. Brown, *Cleric. Parli.*

When Charles, who seemed doomed to miscarry in every sudden and bold attempt, had failed to make himself master of Hull, into which town Sir John Hotham refused him admittance, he sent a message to the Houses, declaring that the governor had justified his conduct, under pretence of orders from them, and demanding that they should disprove the scandal thus thrown on them. But the Houses, who had not been very confident of Hotham's steadiness, were greatly pleased with the resolution which he had shewn, and passed the following votes and resolutions, approving of his conduct, and numbering up the various grounds of suspicion which had induced them to declare the kingdom in danger. The king was much offended, and remonstrated against these declarations, which were studiously dispersed through the country. But the parliament only answered his complaint by a counter-remonstrance, in which their language was higher and rougher than what they had yet used. It was, indeed, obvious that the war of pens was drawing towards a sterner decision.

Questions, Resolutions, and Votes, by both Houses of Parliament, touching the Militia.

1. That his majesties answer is deniall to the desires of both houses of parliament, concerning the militia.
2. That those that advised his majestie to give this answer are enemies to the state, and mischievous projectors against the defence of the kingdome.
3. That this deniall is of that dangerous consequence, that, if his majestie should persist in it, it will hazard the peace and safety of all his kingdomes, unlesse some speedy remedy be applyed, by the wisedome and authority of both houses of parliament.
4. That such parts of this kingdome as have put themselves into a posture of defence against the common danger, have done nothing but what is justifiable, and is approved by the house.
5. That his majestie removing into any remote parts from his parliament will be a great hazard to the kingdome, and a great prejudice to the proceedings of parliament.
6. That these houses hold it necessary that his majestie may be desired that the prince may come unto Saint Jameses, or to some other convenient place, neere about London, and there to continue.
7. That the lords bee desired to joyne with this house in an humble request unto his

majestie, that he will be pleased to reside neare his parliament, that both houses may have a convenient accesse unto him upon all occasions.

8. That the lords bee moved to joyne with this house in some fit course of examination, to find who were the persons that gave his majesty this advice, that they be removed from his majesty, and brought to condigne punishment.

9. That no charter can be granted by the king, to create a power in any corporation over the militia of that place, without consent of parliament.

10. That the lords be moved to joyne with this house in these votes.

11. That the lords shall be desired to appoint a select committee, that may joyn with a committee of a proportionable number of this house, to consider and prepare what is fit to be done upon these votes, or upon any thing else that may arise upon this answer of his majesty concerning the militia, and concerning the prince.

12. That the kingdome be forthwith put into a posture of defence, by authority of both houses, in such a way as is already agreed upon by both houses of parliament.

13. That the lords be desired to joyne with the house of commons in this vote.

14. That a committee shall be appointed to prepare a declaration upon these two heads, viz.

1. To lay downe the just causes of the feares and jealousies given to these houses; and to cleare these houses from any jealousies conceived against them.

2. And to consider of all matters that may arise upon this message of his majesty, and to declare their opinions, what is fit to be done thereupon.

15. That Sir John Hotham, knight, according to this relation, hath done nothing but in obedience to the command of both houses of parliament.

16. That this declaring of Sir John Hotham traytour, being a member of the house of commons, is a high breach of the priviledge of parliament.

17. That this declaring of Sir John Hotham traitour, without due processe of law, is against the liberty of the subject, and against the law of the land.

Ordered, by the lords and commons in parliament, that these votes shall be printed, and sent to the sheriffes and the justices of the peace, to be published in all market townes of the counties of Yorke and Lincolne.

Votes in Parliament concerning Serjeant-major-general Skippon.[1]

18. That the command of his majesty to call Captain Philip Skippon, serjeant-major-generall of the forces of London, to attend his majesties person at Yorke, is against the law of the land, and the liberty of the subject.

19. That this command of his majesty to call Captain Philip Skippon, serjeant-major-generall of the forces of London, to attend his majesties person, being imployed by both houses to attend their service, without their consent, is against the priviledge of parliament.

20. That Captaine Philip Skippon, serjeant-major-generall of the forces of London, shall continue to attend the service of both houses, according to their former commands.

HEN. ELSING, *Cleric. Parl. D. C.*

Votes touching the Members of both Houses.

21. That this house doth declare, that if any person whatsoever shall arrest or im-

[1] Skippon, an old low-country soldier, commanded the forces of the city of London. The king had summoned him to attend his person, in order to remove him from the charge intrusted to him by the Houses and city.

person the persons of the lords and gentlemen, or any of them, or any other of the members of either house of parliament, that shall be employed in the service of both houses of parliament, or shall offer violence to them, or any of them, for doing any thing in pursuance of the commands or instructions of both houses, shall be held disturbers of the proceedings of parliament, and publicke enemies of the state: And that all persons are bound, by their protestation, to endeavour to bring them to condigne punishment.

22. That this house doth declare, that all those of the city of London, and all other persons that have obeyed the ordinance for militia, and done any thing in execution thereof, have done according to the law of the land, and in pursuance of what they were commanded by both houses of parliament, and for the defence and safety of the king and kingdome, and shall have the assistance of both houses of parliament, against any that shall presume to question them for yeelding their obedience unto the said commands, in this necessary and important service; and that whosoever shall obey the said ordinance for the time to come, shall receive the approbation and assistance from both houses of parliament.

23. That this house doth declare, that they are resolved to maintaine those lords and gentlemen in those things they have done, and shall further doe, in the obedience of their commands, for the preserving of the peace of the kingdome.

Votes touching his Majesties taking up Armes.

24. That it appears that the king (seduced by wicked councell) intends to make war against the parliament, who (in all their consultations and actions) have proposed no other end unto themselves but the care of his kingdome, and the performance of all duty and loyalty to his person.

25. That whensoever the king maketh warre upon the parliament, it is a breach of the trust reposed in him by his people, contrary to his oath, and tending to the dissolution of this government.

26. That whosoever shall serve or assist him in such warres are traytors, by the fundamentall lawes of the kingdome, and have been so adjudged by two acts of parliament.

27. That the kings absence so farr remote from his parliament is not only an obstruction, but may be a distruction to the affaires of Ireland.

28. That when the lords and commons shall declare what the law of the land is, to have this not only questioned and contraverted, but contradicted, and a command that it should not be obeyed, is a high breach of the priviledge of parliaments.

29. That those persons that advised his majesty to absent himselfe from the parliament are enemies to the peace of the kingdome, and justly to be suspected to be favourers of the rebellion in Ireland.

30. That the kingdome hath beene of late, and still is in an evident and eminent danger, both from enemies abroad and a popish and discontented party at home: That there is an urgent and inevitable necessity of putting his majesties subjects into a posture of defence, for the safeguard both of his majesty and his people.

31. That the lords and commons, fully apprehending this danger, and being sensible of their own duty, to provide a suitable prevention, have, in several petitions, addressed themselves to his majesty, for the ordering and disposing of the militia of the kingdom in such a way as was agreed upon, by the wisdome of both houses, to be most effectuall and proper for the present exigents of the kingdome, yet could not obtaine it; but his majesty did several times refuse his assent thereunto.

32. That in this case of extreme danger, and his majesties refusall of the ordinance of parliament, agreed upon by both houses, for the militia, doth oblige the people, and ought to be obeyed by the fundamentall lawes of this kingdome.

A Worthy Speech, spoken in Parliament, by Mr Pym, concerning Evil Counsellors about his Majesty; also manifesting the particular Advantages that would redound to this Kingdome, if the said Evil Counsellors were removed from about his Majesty.

Sam. x. 3. Evil counsellors purchase hatred to the prince, where good might happen.

London, printed by T. F., for I. H., November 17, 1642.

First, That the dangers that come to a state by ill counsels, that they are the most pernicious dangers that can come to a state, it is usefull to compare politique bodies with the naturall. The naturall body is indangered divers wayes, either by outward violence, and that may be foreseene and prevented, or by lesse appearing maladies, which grow upon the body by the distemper of the ayre, immoderate exercise, dyet, &c.; and when the causes of the disease are cleare, the remedy is easily applyed; but diseases which proceed from the inward parts of the liver, the hearte, or the braine, it is a hard thing to apply cure to such diseases. Ill counsels they are of that nature, &c.; for the mischiefs that come by evill counsels corrupt the vitall parts, and overthrow the administration of publicke government, &c. Secondly, that there have been lately, and are still, ill counsels here in this kingdome, and about the king:—that there hath been lately, you will not doubt, when the maine course of government hath been so employed, as popery thereby hath been so maintained, the lawes subverted, and no distinction between justice and injustice; and that there is still reason to doubt, is apparent by courses taken to advance mischievous designs; but that his majesties wisedome and goodnesse kept out of the court, so the principall and most mischievous designes have been practised by such as have neer accesse unto his majesty. Thirdly, that the ill counsels of this time are, in their owne natures, more mischievous and more dangerous then the ill counsels of former times. Former counsels have been to please the king and prince, to raise up prerogative: if it had gone no further, it had brought many miseries, but not to ruin and distruction: but the ill counsels of this time were to alter religion and law, therefore more mischievous in their own nature then the ill counsels of former times. Fourthly, That these ill counsels proceeded from a spirit and inclination to popery, and have had a dependence on popery. The religion of the papist is a religion incompatible to any other religion, destructive to all others, and doth not indure any thing that doth oppose it: whosoever doth withstand their religion, if they have power, they bring them to ruine. There are other religions, but not so distructive as popery is; for the principles of popery are destructive to all states and persons that oppose it. With the progresse of this mischievous counsel they provided councellors, that they may execute their own designes, and to turne all counsels to their own ends: and you finde, that now, in Ireland, that those designes that have been upon all the three kingdomes doe end in a warre for the maintenance of popery in Ireland. Fifthly, That unlesse these ill counsells be changed, as long as they continue, it is impossible that any assistance, ayd, or advice that the parliament can take to reform, will be effectuall for the publicke: those that are the instruments of state, they put things into action, in good order; but if acted by evill men, while these counsels are on foot, we can expect no good.

Sixthly, That this is the most proper time to desire of his majesty the alteration and

change of evill councellors, because the commonwealth is brought into distempers by them, and so exhausted, that we can endure no longer. The next reason why we cannot admit of them is, to shew our love and fidelity to the king, in great contributions and adventures. When God doth imploy his servants, he doth give them some promise, to rouse up their spirits. This is the time wherein the subjects are to save the kingdome, with the hazard of their lives and fortunes, and therefore expect from his majesty in a more large and bountifull manner then at other times. As we have weaknesse made at home, so we ought to discerne the actions abroad, where great provision is; and a carelesnesse and improvidence herein, when our neighbours are so provided, and have so great fleets at sea, will open a sudden ruin and destruction, before we can be prepared, and therefore now is the fittest time to move the king.

And lastly, that this alteration of counsels will bring great advantage to the king in his own designes, in all our actions, our prayers unto God should be, that his name might be glorified, so our petitions to his majesty should usher on our profit and advantage to him.

1. A discouragement to the rebels:—a great part of their confidence is in the evill councellors at home, as by examination appeareth.

The second advantage:—it is great incouragement to the king's good subjects at home, who hazard their lives, and give aid and contribution to have things governed for the publique good: it will make men affraid to preferre servants to the king that are evill councellors, when they shall come to an examination of a triennial parliament; for many times servants are preferred to princes, for advantage to forraigne states. Next, this will put an answer into the king's mouth against all importunates, that he is to preferre none but such as will be approved on by parliament: those that are honourable and most ingenious are aptest to be troubled in this kind, and not to deny; therefore the king may answer, he hath promised his parliament: this will answer them all.

Next advantage:—it makes us fitter to enter into union with forraine nations and forraine states; and to be made partakers of the strength and assistance of it, will fortifie us against the designs of forraigne princes. There hath beene cunning counsels at Rome, and in Spain, to reduce us to popery: if good counsels at home, we shall be the better prepared to preserve peace and union, and better respect from abroad. Lastly, it will make us fit for any noble design abroad.

A Catalogue of the Names of the Lords that subscribed to levie Horse, to assist his Majesty, in defence of his royall Person, the two Houses of Parliament, and the Protestant Religion. York, the 22d of June, 1642.

London, printed for Richard Lownds, anno Domini, 1642.

Both parties were now drawing their swords, though each was profuse in protestations of their desire for peace. On the 15th June, 1642, most of the peers subscribing the following paper signed a declaration, professing their entire belief and confidence that the king abhorred all

design of making war with his parliament. But they did not judge it at all inconsistent to prepare what they wished to be considered as defensive arms, and to array a guard to the king's person. Commissions had been already issued by the king for levying the trained bands, as the parliament were, on their part, embodying the militia.

WHEREAS it may be collected, by severall declarations, printed in the name of both houses of parliament, that the king's sacred person, the houses of parliament, the protestant religion, the laws of the land, the liberty and property of the subject, and privileges of parliament, are all in danger,—

We, whose names are under-written, do voluntarily offer, and severally engage ourselves, according to the following subscriptions, to assist his majesty, in defence of his royall person, the two houses of parliament, the protestant religion, the lawes of the land, the liberty and property of the subject, and privileges of parliament, when his majesty shall have given commission, under the great seal, for levying of forces for those purposes, against all power, levies, and forces whatsoever, or to be raised upon any pretence whatsoever.

To pay horses for three months, thirty days to the month, at two shillings and sixpence per diem, *still advancing a months pay; the first payment to begin so soon as the king shall call for it, after the commissions shall be issued under the great seale. In this number are not to be reckoned the horses of the subscribers, or those that shall attend them.*

	Horse.		*Horse.*
The Prince,	200	Earl of Newport,	50
The Duke of York,	120	Lord Mowbray,	50
Lord-Keeper,	40	Lord Willoughby,	30
Duke of Richmond,	100	Lord Gray of Ruthin,	10
Lord Marquesse Hartford,	60	Lord Lovelace,	40
Lord Great Chamberlain,	30	Lord Paget,	30
Earl of Cumberland,	50	Lord Faulconbridge to come.	
Earl of Huntington,	20	Lord Rich,	30
Earl of Bath,	50	Lord Pawlet,	40
Earl of Southampton,	60	Lord Newark,	30
Earl of Dorset,	60	Lord Mountague,	30
Earl of Northampton,	40	Lord Coventrey,	100
Earl of Devonshire,	60	Lord Savill,	50
Earl of Dover,	25	Lord Mohun,	20
Earl of Cambridge,	60	Lord Dunsmore,	40
Earl of Bristoll,	60	Lord Seymor,	20
Earl of Westmorland,	20	Lord Capell,	100
Earl of Barkshire, and Lord Andover,	30	Lord Faulkland,	20
Earl of Monmouth,	30	Master Comptroller,	20
Earl Rivers,	30	Master Secretary Nicholas,	20
Earl of Carnarvan,	20	Lord Chief-Justice Banks,	20

The Lord Thanet is not here, but one hath undertaken for 100 for him.

Sum total, 1695.

The Kings Majesties Charge, sent to all the Judges of England, to be published in their respective Circuits, by his Majesties speciall Command.

London, printed for Laurence Blaiklock, July 26, 1642.

When the civil war was on the point of breaking out, the judges were holding their general assizes. The king came to Leicester, and found Judge Reeves sitting upon the bench. At this place the celebrated Dr Bastwick was made prisoner, and stood in some risk of being executed, on 25 Edward III.; but, as each party was desirous to gain the character of moderation, he was sent prisoner to York. In the same tone of gentleness the present charge is drawn up, and must be understood to contain, not so much instructions to the judges, as an exposition to the people of the interest which the king would be thought to take in the administration of justice, even during the rage of civil war.

Charles R.

Trusty and well-beloved, we greet you well. We call to mind, that, in former times, the constant custome was, by the mouth of the lord-keeper for the time being, at the court of star-chamber, in the end of Trinity term, to put the judges of assize (shortly after to undertake their several circuits) in mind of such things as were then thought necessary for the present, for the good government of the kingdome. This course, in our judgement, we do well approve of,—that although we want the opportunity, which we and our predecessors then had, of communicating our thoughts to our judges, for the good of our people, yet we do still retain the same care for the safety and prosperity of our good subjects; and much more, by how much the distempers and distractions of the present times, unhappily fallen, have given us more occasion. We have therefore thought it fit to supply the defect by these our letters; wherein, besides the general care of our justice, committed to us by God, and by us delegated to our judges, by our several commissions, we recommend unto you, in your circuits, as we shall do to the rest of your brethren in their several circuits, these particulars following:—

First, That you take care, by all the best means you can, to suppresse popery, in all those counties whither you are to go, by putting the laws made against them in due execution: And that you take like care to give a stop to the over-hasty growth of anabaptisme, and other schismes, as far as by the good laws of the land you may; and to punish the delinquents with an equall hand, and those specially of either sort whom you shall discover to be seditious stirrers and movers of others to any acts of disobedience to us and our government: And that, in your charge, and otherwise, as you shall have fit opportunity, you assure our good subjects, in our name, and in the word of a king, who calls God to witnesse, that, by his gracious assistance, we are constantly resolved to maintain the true protestant religion, established by law in this church of England, in the purity thereof, without declining either to the right hand or to the left, as we found it at our accesse to the crown, and as it was maintained in the happy times of Queen Elizabeth and King James, our dear father, both of happy memory, and therein both to live and die.

Secondly, You shall let our people of the counties know, that, according to our kingly duty and oath, we are also constantly resolved to maintain the laws of this our kingdom, and by and according to them to govern our subjects, and not by any arbi-

trary power, whatsoever the malevolent spirit of any ill-affected to our person or government have suggested, or shall suggest to the contrary: and that we shall also maintain the just privileges of parliament, as far as ever our predecessors have done, and as far as may stand with that justice which we owe to our crowne, and the honour thereof: but that we may not, nor will admit of any such unwarranted power, in either, or both houses of parliament, which, in some things, hath been lately usurped, not only without, but against our royall consent and command. And we require and command you, as there shall be just occasion offered, in a legall way, that you take care to preserve our just right in these cases.

Thirdly, We charge you, as you tender the peace of the kingdom, in the government whereof, according to the laws, you, our judges of the law, have a principal part under us, that you take care for suppressing of all insurrections, if any such should happen, and of all riots and unlawful assemblies, under any pretence whatsoever, not warranted by the laws of this land; and whosoever shall transgresse therein, that you let them know that they must expect that punishment which by the law may be inflicted upon them; and at your hands we shall look for such an account herein, within your circuit, as becometh the quality of the place wherein you serve us.

Fourthly, Because the distempers of the present times, unhappily stirred up and fomented by some, under specious, but unjust pretences, and probable to stir up loose and ungoverned people, under hope of impunity, as far as they dare, to make a prey of our good subjects, we straitly charge and command you to take the best order you can in those counties, that rogues, vagabonds, and other disorderly people may be apprehended, dealt with and punished according to the laws, whereby the good and quiet people of our kingdome may be secured, and the wicked and licentious may be suppressed; and we charge and command you to give it in charge, in all the counties whither you are sent by our commissions, that watches and wards be straitly kept in all parishes and places convenient, whereby the laws made against such disorders may be put in due execution.

Fifthly, and lastly, You shall let our people of those counties know, from us, and by our command, that if they shall professe unto us, or unto you, in our stead, any thing wherein they hold themselves grieved, in an humble and fitting way, and shall desire a just reformation or reliefe, we shall give a gracious eare unto them, and, with all convenience, return them such an answer as shall give them cause to thank us for our justice and favour: And when you shall have published our clear intentions to our people in these things, lest, at the first hearing, they should not so fully apprehend our sense therein, you shall deliver a copy of these our letters to the foreman of the grand jury, and to any other, if any one shall desire copies of these our letters, for their better information. And to the end that our services, in your circuit, may not suffer through the absence of our learned counsel, our will and command is, that you assign, in every place of your sessions, some of the ablest lawyers who ride that circuit to be of counsel for us, to assist in such pleas of the crown that may be most necessary for our service, in the execution and punishment of notorious delinquents.

Of all these things we shall expect that good account from you, as we shall from the rest of your brethren, our judges, to whom we have also written to the like purpose, of whose fidelity and good affections we are confident, as becometh us to look for from you, and for you to render to us, wherein you have so great a trust committed.

Given at our Court at York, July 4, 1642.

To our Trusty and Well-beloved the Judge or Judges of Assize for our Counties of Kent, Surrey, Sussex, Hartford, and Essex.

Certain select Observations on the several Offices and Officers in the Militia of England, with the Power of the Parliament to raise the same, as they shall judge expedient, &c. Collected and found among the Papers of the late Mr John Pymm, a Member of the House of Commons. Writ in the year 1641. *MS.*

These authorities are collected with a view to buckler the plea of the parliament in the fierce dispute respecting the right of officering and calling out the militia, upon which points the parliament chiefly relied for making good their cause against the king.

When kings were first ordained in this realm, the kingdom was divided into forty portions, and every one of those portions, or counties, was committed to some earl, to govern and defend it against the enemies of the realm. *Mirror of Justice*, p. 8.

Those earls, after they received their government in each county, divided them into centurians, or hundreds; and in every hundred was appointed a centurian, or constable, who had his portion and limits assigned him to keep and defend with the power of the hundred; and were to be ready upon all alarms, with their arms, against the common enemy. These, in some places, are called wapentakes, which, in French, doth signify, taking of arms. *Mirror*, p. 10, 12. H. VIII. fol. 16, 17.

King Alfred first ordained two parliaments to be kept every year, for the government of the peo le, where they were to receive laws and justice. *Mirror*, p. 10, 11.

The peers, in parliament, were to judge of all wrongs done by the king to any of his subjects. *Mirror*, p 9.

The ancient manner of choosing and appointing of officers was by those over whom their jurisdiction extended.

Instances.

1. Tythingman. This man was, and at this day is chosen by the men of his own tything, and by them presented to the leet, to be sworn for the true execution of his office.

2. Constable. This officer is chosen by the inhabitants who are to be governed by him, and those of the place where his jurisdiction lieth, and presented unto the leet to be sworn.

3. Coroner. This officer hath jurisdiction within the whole county, and therefore was chosen by the freeholders of the county-court. *Cook's Magna Charta*, p. 174, 175, 559.

4. Such as had charge to punish such as were violators of Magna Charta. These were chosen in the county-court, as appeareth by stat. 28 Ed. I. c. 1. 17.

5. Sheriffs were, in time past, and by the common law, to be chosen likewise in the county-court. *Lamb Saxon Laws*, fol. 137. Stat. 28 Ed. I. c. 8. 13. *Cook's Magna Charta*, p. 175, 559. *Mirror*, p. 8.

6. Lieutenants of counties (anciently known by the name of *heretoch*) were chosen

in the county-court; which Cook, upon Magna Charta, p. 69, calls the *folkmote*. *Lamb. Saxon Laws*, fol. 136. *Mirror*, p. 8, 11, 12.

7. Mayors and bayliffs, in boroughs and towns corporate, are chosen by the commonality of the same corporation within their jurisdiction.

8. Conservators of the peace were anciently chosen, by the freeholders, in the county-court. *Cook's Magna Charta*, 558, &c.

9. Knights for the parliament are to be chosen in the county-court. Stat. 7 H. IV. cap. 15; 1 H. V. 1; 8 H. VI. cap. 7; 10 H. VI. cap. 2.

10. Verdurers of the forest are chosen within their jurisdiction, by the inhabitants. *Cook's Magna Charta*, 559.

11. Admirals, being the sheriffs of the counties, as Selden, in his *Mare Clausum*, p. 169, 118, affirms, must be chosen as the sheriffs were, viz. in the county-court: But the parliament of R. II. fol. 29, saith, they are chosen in the parliament, the representative body of the realm, because they had the defence of the realm by sea committed unto them.

12. The captain of Calais, viz. Richard, earl of Warwick, in the time of Henry VI., refused to give up his captainship of Calais unto the king, because he received it in parliament. *Cowel's Interpreter in the word Parliament.*

13. The lord-chancellor, to whom is committed the great seal of England, being the publick faith of the kingdom, was, in former times, chosen in parliament. *Lamb. Archeion*, p. 48. *Dan. Chronicle*, p. 139, 148, 195.

14. Lord-treasurer, an officer to whom is of trust committed the treasure of the kingdom, was, in like manner, chosen in parliament.

15. Chief-justice, an officer unto whom is committed the administration of the justice of the realm, was chosen in parliament. *Lamb. Archeion*, p. 48, *ut supra.*

Anno 15 Ed. III., the king was petitioned, in parliament, that the high officers of the kingdom might, as in former times, be chosen in parliament: to which the king yielded, that they should be sworn in parliament. *Dan. Chronicle*, p. 195. *Quære* the parliament roll and petitions.

And it appeareth, by a printed statute, anno 15 Ed. III. cap. 3, that the great officers of the kingdom were sworn to maintain Magna Charta.

16. The great council of the king and kingdom, namely, the parliament, is chosen by the commons; for they choose the knights and citizens, and burgesses, or barons; for so the citizens were anciently called; and the Cinque-ports retain the name to this day.

And this was, as I conceive, the ancientest constitution of the kingdom for choosing of their officers.

In the next place, it will be requisite to inquire which of these officers are not altered, and by what authority. And, first, of sheriffs.

The choice of sheriffs was first taken from the freeholders by the statute of 9 Ed. II., and the choice of them committed to the lord-chancellor, treasurer, the barons of the exchequer, and the justices of either bench. *Cook's Magna Charta*, 559.

This election is to be made the morrow after All-Souls day, in the Exchequer, by stat. 14 Ed. III. c. 7.

Quære 1. If they choose none at that day and place, but at some other time, whether the choice be good? Or if he be chosen by any other?

Objection. The king himself doth usually make and appoint sheriffs in every county, by his prerogative.

Solution. It hath been agreed, by all the judges, that the king cannot appoint any other to be sheriff than such as are named and chosen according to the statute of Lincoln. *Cook's Magna Charta,* p. 559.

If so, then it is questionable whether the making of Mr Hastings sheriff of Leicestershire be warrantable by law, or not.

Query 2. If no sheriff be legally chosen, whether the freeholders of the county shall not choose one, as they were accustomed before the making of the statute of 9 Ed. II., for these reasons ?

1. If there be no sheriff legally chosen, there will be a failure of justice, which the law will not permit.

2. Because the statute is in the affirmative, and therefore doth not altogether take away their power of choosing, because affirmative statutes do not alter the common law.

Next, let us consider the choice of justices of the peace, who, as they are commissioners of the peace, are not officers by the common law ; and, therefore, this case will differ in some respects from the former, it being an office created by statute.

1. I conceive that no court may be erected without the authority of parliament; for the court of first fruits was erected by stat. 32 H. VIII. cap. 45 ; the court of wards by stat. 32 H. VIII. cap. 46; the court of justice in Wales by stat. 34 H. VIII. cap. 26; and power to erect courts given, 1 Mar. sess. 2. cap. 10: And it was resolved in this parliament, at the trial of the earl of Strafford, that the court at York was against law, albeit it hath had continuance these hundred years, because it was not erected by parliament.

And justices of peace, being judges of record, were first ordained by statute, as appeareth by 18 Edw. III. cap. 2, and 34 Ed. III. cap. 1, with such other additions of power as later statutes have given unto them.

Justices of peace, then, having their being by vertue of the statute law, they are to be ordained in the same manner as the statutes prescribe, and not otherwise.

1. After their first institution, the statutes did leave the choice of them indefinitely in the crown, as I conceive, until the statute of 12 R. 27, which statute doth instruct the chancellor, treasurer, keeper of the privy-seal, steward and chamberlain of the king's house, the clerk of the rolls, the justices of both benches, barons of the exchequer, and others, to name and make them.

2. Other statutes do appoint what persons shall be chosen to be justices of the peace; namely, such as reside in the same county where they are justices of peace, as stat. 12 R. II. c. 10 : and they must be of the most sufficient knights, esquires, and gentlemen of the same county, stat. 17 Rich. II. 10; and dwelling in the same county, 2 Hen. V. stat. 2. cap. 1. (except lords, and justices of assizes.) Upon this last statute it may be doubted if choice may be made of any lords and justices of assizes which have no residence or estate in the county where they are so made justices of the peace ; which, if it doth, it doth repeal all former statutes, which confines them to such persons as are of the same county ; which I conceive is against their meaning ; for that statute doth only dispense with the residence of lords and justices of assize, because men of the same county, inhabiting in the county where they are justices of peace, in regard of their other employments in the commonwealth, which necessarily requireth their absence ; and so it amounteth only to a dispensation for their residency.

Objection. The common practice is, that the lord-keeper doth appoint whom he pleases, and that by vertue of the statute of 18 Hen. VI. cap. 1.

Solution. True; such is the practice; but the doubt is, how warrantable his act is; for the statute of 18 H. VI. doth give the lord-chancellor (alone by himself) no other power, but in case there be no men of sufficiency in the county, and where none of twenty pounds per annum are to be found; for, in such case, he hath power to appoint such as he conceives are men most fit. But in case there are men of sufficient estates in the county to be found, he must join with the others mentioned in the statute, viz. the treasurer, privy-seal, &c., who have a joint and undivided power with him.

If this be so, then it may be doubted whether the Lord Viscount Falkland, being no peer of the realm, Sir Peter Miche, Sir Edward Nichols, of late put into the commission of the peace, in many counties of this kingdom, are, by the law, capable of being justices of the peace in those counties where they do not reside. *Et sic de similibus.*

Query also, Whether a justice of the peace, being once legally chosen, according to the statute before-mentioned, may be put out at the pleasure of the lord-keeper alone, without any just cause alleged; for, being a justice of record, whether some matter of record must not appear to disable him? For, being settled by law, he is to be displaced by law, and not upon displeasure or surmise.

3. A third office is, the lieutenants in every county, in former times known (for the name only is out of use) by the name of *heretoch.—Lamb. Saxon Laws*, fol. 136. And here will fall into debate the ordinance of parliament about the settling of the militia of the kingdom.

The choice of these, as was formerly mentioned, was by the freeholders, in the county-court; but, of later times, they have exercised the same power, being appointed by the king, under the shadow of his prerogative.

First, It is to be demanded, whether the king's prerogative can take away that ancient right which the subjects had, by law, invested in them? If so, then the king, by his prerogative, may do wrong, which is contrary to a maxim in law, *Fortescue de Legibus, &c.* fol. 25. If not, then, whether the power of choosing a lieutenant, or *heretoch*, doth not yet remain in the subject, so as they may now choose one as well, and by the same right they did in former times?

If freeholders of a county may yet choose, then I conceive the parliament, being the representative body of the whole kingdom, may appoint lieutenants, because they include them, or, at least, they are not excluded from such a power, no more than where the statute giving power unto justices of peace to inquire of a riot doth exclude the power of the King's Bench; which no man will affirm; and therefore the ordinance of the militia is legal.

That the parliament hath power to make an ordinance, may be proved, *a minori*; for,

If the inhabitants of a town, without any custom to enable them, may make an ordinance, or bye-law, for the reparation of their church, high-way, or bridge in decay, or any the like thing, being for their publick good, and upon a pecuniary pain, in case of neglect; and if it shall bind all within the town, as hath been agreed for law, 44 Ed. III. fol. 19, *Cook*, lib. v. fol. 63, the chamberlain of London's case, Clarke's case, and Jeffery's case, *ibid*, fol. 64, 65.

If a township be amerced, and the neighbours, by assent, shall assess a certain sum upon every inhabitant, and agree, that if it be not paid by such a day, that certain persons, thereto assigned, shall distrain, and, in this case, the distress is lawful. *Doctor and Student*, fol. 74. cap. 9.

If a bye-law, that every one that holdeth land shall pay one penny towards the reparation of a church, and, for non-payment, shall forfeit to the church-wardens twenty shillings, be good, and doth bind, as the book saith, 21 H. VII. fol. 20, holdeth.

If a town make bye-laws, and they shall bind every one of the town, if it be for the common good, as 11 H. VII. fol. 14, then, by the same reason, may the parliament make ordinances and by-laws for the common good of the kingdom, as shall bind all; for if a town may make ordinance, much more may the knights and burgesses of the parliament, because they have their power, *ad faciendum et consentiendum*, as appeareth of record, under their hands and seals in chancery, in return of their several elections for knights and burgesses.

Lastly, as every private man is, by law, bound to preserve the peace; as, in case an affray be made by two, and a third man standing by shall not use his best endeavour to part them, and preserve the peace, he may be indicted and fined for it,—why may not the parliament, being intrusted with the preservation of the peace of the realm, make an ordinance for the preservation of the peace, in case of apparent danger?

Ordinances made in parliament, 8 Ed. II., for the preservation of the alienation of the king's land, and fines set upon such as presume to break them. Rot. Parl. 28 H. VI. art. 29.

The judges and courts of Westminster may make an ordinance for fees to be paid unto the clerk of their courts, and for bar fees taken by sheriff and gaolers. 21 H.VII. fol. 17.

An ordinance made in parliament, 21 Ed. III., fol. 60., for exemption of the abbot of Bury from the jurisdiction of the bishop of Norwich. *Selden's Titles of Honour*, page 702. 12 H. VII. fol. 25.

Heyborne and Keyland's case, M. 14 Ed. IV., Rot. 60, in Banco Reg. *Crook*, p. 25; who had his money taken away from him by vertue of an ordinance, and was adjudged that the ordinance did bind him.

Whether an infant may be a colonel, admiral, &c.

1. None, by the intention of the law, can do knights service before he be twenty-one years of age; and this is the reason of wardship.

2. It is an office of trust, which may not be executed by a deputy.

3. Such an office requires personal attendance; for otherwise the county may be overthrown unawares, in the absence of such a governor from his charge.

To the Right Honourable the Lords and Commons, assembled in Parliament, the humble Declaration and Resolution of the Deputy-Lieutenants, Colonels, Captains, and Officers, assented unto, and, with great chearfulness, approved of by the Soldiers of the Trained Bands within the County of Southampton, at the General Musters, begun the 21st day of June, 1642, being to the number of above five thousand Men, besides a great many of Voluntiers, who then offered to serve in Person.

This is one of the numerous declarations of attachment by which the parliament were encouraged to proceed in their determination to refer their disputes with Charles to the fate of war.

Humbly acknowledge,

That the ordinance of parliament concerning the militia doth much conduce to the defence of the true protestant religion, the security of his majesty's sacred person, the

preservation of the publick peace, and privileges of parliament, against the evils that threaten them by foreign invasion, rebellion, or insurrection. Nevertheless, with great sense and grief of heart, we cannot but apprehend the continual practices and attempts of the malignant party to invalidate the said ordinance, wickedly endeavouring to cross the settlement of the militia, as aforesaid, by colour of a proclamation, sett forth in his majesty's name, forbidding the execution thereof; which we humbly conceive to be illegal, upon these reasons laid down in the late declaration of both houses of parliament concerning the said proclamation, and thereby unjustly to hazard the very being and constitution of this kingdom.

Therefore, in pursuance of the said ordinance, and in obedience thereunto, being assembled in arms, we have thought it our duties hereby to make our humble tender, unto this honourable assembly, of our lives and fortunes, in maintenance of the said ordinance, so necessary for the defence of our religion, his majesty's sacred person, the publick peace of this kingdom, the privilege and very existence of parliament.

The Lords Answer.

My lords have taken your petition into consideration, and receive much contentment in the good affections you have expressed, thus seasonably and necessary, for the good of the king and kingdom, and for their lordships encouragement in the performance of their duty; for which they give you hearty thanks: And my lords do assure you, that (God willing) they resolve to insist in their former declared resolutions for the upholding the true religion, the king's authority in the highest court, which, by sundry late declarations and practices to abuse the people, they find so much vilified and invaded, the privileges of parliament, the free course of justice, the laws and peace of this kingdom, notwithstanding any dangers and hazards for that cause befal them.

That for the manifestation of their good affections, and their lordships kind acceptation thereof, they have commanded your petition and this answer to be forthwith printed and published.

Die Veneris, Julii, 1642.

Ordered, by the lords in parliament, that this declaration and answer be forthwith printed and published.

JOHN BROWN, *Cler. Parl.*

London, printed for Joseph Hunscott, 1642.

A true and exact Relation of the Manner of his Majesties setting up his Standard at Nottingham, on Monday the 22d of August, 1642.

1 First, The form of the standard, and who were present at the advancing of it.
2 Secondly, The danger of setting up of former standards, and the damage which ensued thereon.
3 Thirdly, A relation of all the standards that ever were set up by any king.
4 Fourthly, The names of those knights who are appointed to be the kings standard-bearers, with the forces that are appointed to guard it.

Fifthly, The manner of the kings coming first to Coventry.

Sixthly, The cavaliers resolution, and dangerous threats which they have uttered, if the king concludes a peace without them, or hearkens unto his great councell, the parliament: Moreover, how they have shared and divided London amongst themselves already.

London, printed for F. Coles, 1642.

This melancholy and ill-augured ceremony took place under circumstances which struck a general damp into the minds of the king's party. It was immediately subsequent to an unsuccessful attempt on the city of Worcester, and is thus described by Clarendon:—"According to the proclamation, upon the twenty-fifth day of August, the standard was erected, about six o'clock in the evening of a very stormy and tempestuous day. The king himself, with a small train, rode to the top of the castle-hill, Varney, the knight-marshal, who was standard-bearer, carrying the standard, which was then erected, in that place, with little other ceremony than the sound of drums and trumpets. Melancholy men observed many ill presages about that time. There was not one regiment of foot yet brought thither, so that the train-bands, which the sheriff had drawn together, were all the strength the king had for his person, and the guard of the standard. There appeared no conflux of men, in obedience to the proclamation; the arms and ammunition were not yet come from York; and a general sadness covered the whole town. The standard was blown down, the same night it had been set up, by a very strong and unruly wind, and could not be fixed again in a day or two, till the tempest was allayed. This was the melancholy state of the king's affairs, when the standard was set up."—Clarendon, I. 557.

The following tract, which seems to have been composed for the information and encouragement of the adherents to parliament, does not give such a doleful impression of the ceremony as the narrative of the royalist Clarendon.

It is an ancient question, whether industry or fortune have most credit; for it is out of all doubt that both have; and it is clearly false that one alone doth all, and the other nothing; and commonly they that settle themselves unto the one, contemn the other; but the difficulty is, how to join them together, and to attend and wait upon them both: therefore, saith Martial, very well measure thy burthen, and so thou shalt beare it very well; not doing as many men do, who have their eyes only upon such as are wealthy, admiring and reputing them only happy and blessed, and none else. We all ought to know that prosperity is the very life of peace, and love the very bond which ties the heart of king and people together; and for want of these two, all things are contrary and opposite one to the other. The life of a prince is two-fold,—either of peace or war: if it be of peace, then happy are such a people that are in such a case; if war, then none more unhappy, especially when it is within its own kingdome, or bowels: therefore a prince must be sure that his war be just; for justice must march before valour, as deliberation before execution.

These reasons in a prince for making a war with his own people must be of no force, yea, they are to be abhorred, viz. first, That right consisteth in force; secondly, That issue or event decideth it; thirdly, That the stronger carrieth it away: But a prince must look into the cause, into the ground and foundation, and not into the issue or effect. War hath its laws and ordinances as well as peace. God favours just wars, and giveth the victory to whom it pleaseth him; and therefore we must first make ourselves capable of this favour from Heaven, by the equity of the cause or enterprize. War must not be begun and undertaken for all causes, upon every occasion; so saith Pliny, *Non ex omni occasione quærere triumphum;* not to seek victory for every occasion. And

above all, a prince must take heed that ambition, avarice, choler, night-crows, evil counsellors, possesse him not, and carry him beyond reason, which are always, if I dare speak truth, the only and ordinary means and motives to war, to incense a prince to go to war with his own people for a little, nay, too far and too much a stretched prerogative; and this is commonly one of the causes of a national war, in maintaining and bussing into the eare of a prince the rights and prerogatives of princes over their people.

Another chief and ancient cause of war is, the greedy desire of rule and of riches: they esteem the greatest glory in the greatest command; and the wicked rage and desire of gain breaketh leagues, and stirs up wrath. All these considered, and put together, make the justest war that may be detestable, saith St Augustine; and therefore a prince ought not to suffer himself to be carried away by those incendiaries and fire-brands of war, who, for some particular passion, or some old grudge to a kingdome, are ready to kindle and inflame their prince: but a wise soveraign will keep himself in peace, neither provoking nor fearing war, neither disquieting either his own state or others, especially his own subjects, standing betwixt hope and fear, nor coming to those extremities of perishing himself, or making others to perish; for, saith Livius, the fortune of one houres war may overthrow all honour both gotten and hoped for: and there is no war undertaken by any worthy city, but either from faithfulnesse, or for safety of their king and country, and the liberty of the subject.

It is true, in all ages, some differences or other have been between king and people: the first that our chronicles make mention of was in the time of William Rufus, who set up his standard, and went against the Welchmen, in the year 1090, with a great army of horse and foot, at which time he lost diverse of his foot and horse. The second king that our histories make mention of was in King John's time, in the year 1210, who went into Wales against Lewlin, his son-in-law, who had married his bastard daughter; at which battel he subdued all the nobles and princes, without controle. The third ensigne, or standard, which is made mention of, was in the year 1332, and in the fourth year of his reign, where there was a great battell fought between the English and Scots, at Hallidown-hill, near Barwick, where divers of the Scots were slain, and divers taken prisoners. The fourth standard that ever was erected in this kingdome was in the 9th year of Richard II., and in the year 1485, who, having set it up, proclaimed a proclamation for all his subjects to ayde him against the Scots, who went very lovingly and freely with him, because it was then held a forraign enemy to our state; who marched into Scotland, and the enemy not appearing, burnt only some towns, and so returned.

The first standard which was ever raised in the bowels of this kingdom was in the 3d year of Richard the Third, and in the year 1483, at a place called Redmore, near the town of Bosworth, where he pitched his tents in the open fields, called all his souldiers together, and declaring the cause of his taking up armes, and the setting up of his standard, which was against Henry, earl of Richmond; telling them that he was only come to spoile their lands and houses, and ravish their wives and children, and to dispossesse him, who was their lawful king: and to this purpose he made a large speech to his souldiers, against the earl of Richmond, encouraging them to stand to him now, or else never. Then King Richard having set up his standard, which was formerly sent out of the Tower of London, and brought to him by Sir Robert Brakenbury, who was then lieutenant of the Tower, whom he appointed to be his chief standard-bearer, together with Sir Thomas Bouchier and Sir Walter Hungerford, and divers other knights and gentlemen, in whom the king had a good affiance and trust;—the standard being set up in great state, and well guarded, the whole countrey, being much displeased because the king would make their countrey the seat of war, brake out, and declared, by certain papers, which were scattered and thrown about the army, which they had heard of

by ancient records,—that if any king doth proclaim war, and set up his standard within his own kingdome, and against his own people and nation, not having any just occasion. but only a rash humour, and desire of revenge, and not having no affront given him by foreigne princes, nor his land invaded by any foreign forces,—upon the setting up any such flag or standard, first, that the law itself ceases to be of any force; secondly, that all prisoners whatsoever, that lay in custody upon any suit of law, or execution, contempt, or any other degree, were presently freed, and the doors of the prison set open, and that no jaylor whatsoever to detain either him or them; thirdly, that such a king ought to be dispossessed, and his crown bestowed on another; fourthly, neither he nor his posterity should have any right or succession to the crown and dignity. This coming to the kings view, he made slight of it, and went on his way regarding nothing, depending upon his own strength, and the forces he had: But see what the divine power can do:—He, at the battle, lost his own life, was deprived of his crown and dignity, none of his posterity or kindred enjoyed the kingdome; and this was a just reward for such a tyrant as he was. I pray God no good Christian king may follow him as a man, but imitate him as a king; for he was called a bad man, but a good king, for the laws he then made.

Now, it is the generall prayers and cry of this whole kingdome, that our gracious soveraign would not be led by any evil counsellors, whereby this glorious and famous kingdome may become ruinated, and wallow in its own blood; and especially such a pious prince as his majesty is would not give way to those malignant parties whose end and study is only for blood; and that our peacefull England may not be made an aceldema, or field of blood, and so future times report that his majesty was guilty of spilling so much of his own subjects blood; but as it is the bishops and others of the clergies wars, so not to protect them, but leave them and such delinquents to the censure of the law.

Monday, being the 22. of August, in the morning, his majesty left his forces before Coventry, and, with some lords and others in company, rode to Leicester, where he dined that day at the abby-house, the countesse of Devonshires house; however so many printed intelligences doe falsely, with much confidence, aver (much like their other relations) that the king was with his army in the field at the time of the battel betweene them and the lord Brookes forces, which was not untill the day following. Presently after dinner, the king again took horse, and, with his company, rode to Nottingham, where was great preparation for the setting up of the standard that day, as was formerly appointed. Not long after the kings coming to towne, the standard was taken out of the castle, and carried into the field, a little on the back side of the castle-wall. The likenesse of the standard,—it is much of the fashion of the city streamers used at the lord-mayors show, having about twenty supporters, and is to be carried after the same way: on the top of it hangs a bloudy flag, the kings arms quartered, with a hand pointing to the crowne, which stands above, with this motto: "Give Cæsar his due." The name of those knights baronets who were appointed to beare up the standard, viz. the chiefe was Sir Thomas Brookes, Sir Arthur Hopton, Sir Francis Wortley, and Sir Robert Dadington.

Likewise, there were three troops of horse appointed to wait upon the standard, and to beare the same backwards and forwards, with about sixe hundred foot souldiers. It was conducted to the field in great state, his majesty, the prince, Prince Robert, (whom his majesty hath lately made knight of the garter,) going along with divers other lords and gentlemen of his majesties traine, beside great company of horse and foot, in all to the number of about two thousand, who came more to see the manner of the thing, than any waies to offer assistance to his majesty, as did afterwards evidently appeare; for that upon taking downe of the standard, there were not above thirty of the trained

bands that offered to come into his majesty, which, because their number was so inconsiderable, his majesty refused to accept of.

So soone as the standard was set up, and his majesty and the other lords placed about it, a herald at armes made ready to proclaime a proclamation, declaring the ground and cause of his majesties setting up of his standard, namely, to suppresse the pretended rebellion of the earle of Essex, in raysing forces against him, to which he required the ayde and assistance of all his loving subjects. But before the trumpeters could sound to make proclamation, his majesty called to view the said proclamation; which being given him, he privately read the same over to himselfe, and seeming to dislike of some passages therein, called for penne and inke, and, with his own hand, crossed out and altered the same in diverse places, (a thing well worthy the noting,) and then gave it the herald, who proclaymed the same to the people, though with some difficulty, after his majesties corrections; after the reading whereof, the whole multitude threw up their hats, with other such like expressions, "God save the king." Not long after the reading of the said proclamation, it being towards night, the standard was taken downe, and again carried into the castle, with the like state as it was brought into the field: And the next day it was againe set up, and his majesty came along with it, and made proclamation, as the day before; and the like also was done on Wednesday, his majesty being present: but since that hath been set up with the lesse ceremony, there being not a hundred persons, as they yet heard of, that have offered themselves to his majesty, since the first setting up of his standard.

Since which time, his gracious majesty hath pleased to send some propositions to both houses of parliament, and hath imployed the earle of Dorset, the earle of Southampton, and Sir John Culpeper, and Sir William Uvedall to deliver his majesties minde to the honourable house of parliament, for a faire treaty and accommodation of peace, and that all differences and mistakes might be ended, and all hostile manner of warre to cease in our land, and that it might be sent over to Ireland. Upon which report, the cavaliers which are about the country are desperate to hear that his majesty will hearken to an accommodation of peace, or to apply or comply with his parliament; telling his majesty that it is dishonourable to stoop to his subjects, and if his majesty doth, they will either hang themselves, or kill and murther themselves, and do vow private revenge to this kingdom, if they do now misse of their hopes and enterprizes; for they say they are sure to overcome us, whom they call round-heads, and call our souldiers nothing else but a company of Shrove-Tuesday boyes, and idle-headed prentises, who run away from their masters, under pretence of having opportunity to get liberty from their hard service and cruelty. It is truly reported, that the cavaliers are all desperately bent against the city of London, and the inhabitants: they have already within themselves shared and divided it: some have alloted to themselves Gracious street, others Lumbard street; then others have shared Cheap-side and Pauls Church-yard; others do determine to seize upon the rich aldermens houses and persons; others, to whom they owe or are indebted to by bond, or bill, or booke, doe resolve, when they come into the city, to seize those persons first to whom they are indebted, and to cut their throats, and then to seize upon rich usurers or others, and to cut their throats; for that money, so say they, we shall be both at once out of debt, and have money to boot: these are the resolutions of the cavaliers, who do but looke for such an advantage; so full of cruelty and malice they are; which God in his infinite and blessed mercy protect both our king and kingdome from; and that their own swords may returne into their own bosomes, that wish and long for such a day.

A proclamation presented to both houses from his majestie, declaring that his majesty will set up his standard on Monday next at Nottingham, being the 22d of August,

where his majestie intends to draw up his main forces, and to make it one of the places or seats of war, and there to reside for a time; commanding all his subjects that will ayd and assist him to come thither; ordaining the earle of Cumberland generall for raysing of forces in the northern parts; and proclayming all traytors that refuse to obey the commission of array.

Whereupon both houses have drawn up a declaration against his majesties proclamation for setting up his standard, commanding that none proclaim the same in any part of the kingdom; and that such as shall suffer any losse and damage by the same, in any part of the kingdom, by the cavaliers, or their adherents, shall have full reparation and satisfaction allowed them out of their land.

A Worthy Speech, spoken by his Excellence the Earle of Essex, in the Head of his Armie, before his Arrivall at Worcester, on Saterday last, being the 24th of September, 1642; *wherein is declared every particular Order and Duty which his Excellence expects to be performed, both by his Commanders and Souldiers: With a Royall Protestation taken by his Excellence, and by him prescribed to be taken throughout the Armie.*

The earl of Essex, the favoured and trusted general of the presbyterians, left London on the 9th September, in great splendour, attended by both houses of parliament, and put himself at the head of an appointed army of 15,000 men. The houses had previously complimented him with votes, pledging themselves to live or die with him. The king was now in command of an army equal in numbers, though not so well equipped and provided, and was stationed at Shrewsbury, where he waited supplies from North Wales. Essex advanced upon Worcester, from which place the royalists retreated; but Essex remaining too long there, the king made a start towards London, and Essex pursuing him, brought on the battle of Edge-hill.

Gentlemen and fellow soldiers, which are at this time assembled for the defence of his majestie, and the maintenance of the true protestant religion, under my command, I shall desire you to take notice what I, that am your generall, shall, by my honour, promise to performe toward you, and what I shall be forced to expect that you should performe toward me.

I do promise, in the sight of Almighty God, that I shall undertake nothing but what shall tend to the advancement of the true protestant religion, the securing of his majesties royall person, the maintenance of the just priviledge of parliament, and the liberty and property of the subject; neither will I ingage any of you into any danger, but (though, for many reasons, I might forbeare) I will, in my owne person, runne an equall hazard with you, and either bring you off with honour, or (if God have so decreed) fall with you, and willingly become a sacrifice for the preservation of my country.

Likewise I doe promise that my eare shall be open to heare the complaint of the poorest of my souldiers, though against the chiefest of my officers; neither shall his greatnesse (if justly taxed) gaine any priviledge, but I shall be ready to execute justice against all, from the greatest to the least.

Your pay shall be constantly delivered to your commanders, and if default be made by any officer, give me timely notice, and you shall find speedy redresse.

This being performed on my part, I shall now declare what is your duty toward me, which I must likewise expect to be carefully performed by you.

1. I shall desire all and every officer to endeavour, by love and affable carriage, to command his souldiers, since what is done for feare is done unwillingly, and what is unwillingly attempted can never prosper.

Likewise, 'tis my request that you be very carefull in the exercising of your men, and bring them to use their armes readily and expertly, and not to bussy them in practising the ceremonious formes of military discipline; onely let them be well instructed in the necessary rudiments of warre, that they may know how to fall on with discretion, and retreate with care, how to maintain their order, and make good their ground.

Also, I do expect that all those which voluntarily ingaged themselves in this service should answer my expectation in the performance of these ensuing articles.

1. That you willingly and cheerefully obey such as (by your own election) you have made commanders over you.

2. That you take speciall care to keepe your armes at all times fit for service, that, upon all occasions, you may be ready, when the signall shall be given, by the sound of drumme or trumpet, to repaire to your colours, and so to march upon any service, where and when occasion shall require.

3. That you beare yourselves like soldiers, without doing any spoile to the inhabitants of the country: so doing you shall gaine love and friendship; whereas otherwise you will be hated, and complained off, and I, that should protect you, shall be forced to punish you according to the severity of law.

4. That you accept and rest satisfied with such quarters as shall fall to your lot, or be appointed you by your quarter-master.

5. That you shall (if appointed for centries or per-dues) faithfully discharge that duty; for upon faile hereof, you are sure to undergo a very severe censure.

6. You shall forbeare to profane the Saboth, either by being drunke, or by unlawfull games; for whosoever shall be found faulty must not expect to passe unpunished.

7. Whosoever shall be knowne to neglect the feeding of his horse with necessary provender, to the end that his horse be disabled or unfit for service, the party, for the said default, shall suffer a months imprisonment, and afterward be cashiered, as unworthy the name of a souldier.

8. That no trooper or other of our soldiers shall suffer his paddee[1] to feed his horse in the corne, or to steale mens hay, but shall pay every man, for hay *6d.* a day and night, and for oats *2s.* the bushell.

Lastly, that you avoid cruelty; for it is my desire rather to save the life of thousands than to kill one, so that it may be done without prejudice.

These things faithfully performed, and the justice of our cause truly considered, let us advance with a religious courage, and willingly adventure our lives in the defence of the king and parliament.

[1] *Pedee*, or foot attendant.

Three Speeches made by the Kings most Excellent Majesty: the first to divers Lords and Colonels, in his Majesties Tent; the second to his Souldiers in the Field; the third to his whole Army, immediately before the late Battell at Keinton, near Banbury: wherein his Majesties Resolutions are declared, being sent to Mr Wallis, in London, in a Letter from an eminent Gentleman, Colonel Weston, one of his Majesties Commanders.

The battle of Edge-hill was fought on the 23d October, 1642. Its doubtful issue, and the fury with which it was maintained on both sides, were melancholy presages of the length of the war.

My lords, and the rest here present, if this day shine prosperous unto us, we shall all be happy in a glorious victory. Your king is both your cause, your quarrell, and your captain. The foe is in sight; now shew yourselves no malignant parties, but with your swords declare what courage and fidelity is within you. I have written and declared that I intended alwayes to maintaine and defend the protestant religion, the rights and priviledges of the parliament, and the liberties of the subject, and now I must prove my words by the convincing argument of the sword. Let Heaven shew his power, by this days victory, to declare me just, and as a lawfull, so a loving king to my subjects. The best encouragement I can give you is this,—that, come life or death, your king will beare you company, and ever keep this field, this place, and this days service in his gratefull remembrance.

The King's Speech to his Souldiers.

Gentlemen,

You are called cavaliers and royalists, in a disgracefull manner:—if I suffer in my fame, needs must you doe also. Now expresse yourselves my friends, and not malignants; fight for your king, the peace of the kingdome, and the protestant religion. It is not so great an honour to keep the white candor of opinion, sometimes confirmed by the rabble multitude without distinction, as, when our reputation hath suffered some diminution, and been in the eclipse of royal splendor, to make it shine out againe with cleere, resplendent beames of majesty. I have drawne and collected you from severall countries, and you have, like true friends, followed me in all my occasions and fortunes. We are now all engaged as near as life or fame concernes us; and if I thought that any of your affections wanted provocation to stir your magnanimous resolutions in the action of this dayes service, I would use words to inflame your anger, and tell you some reason of high encouragement, that should produce in you all a nobly mounted anger; since the inequality of this field, pretended for the defence of the protestant religion, and by me intended to the same purpose, doth expresse a secret distrust of reality in my royall intentions. You are called cavaliers, in a reproachfull signification, and ye are all designed for the slaughter, if you do not manfully behave yourselves in this battell. They call all the kings troopers cavaliers; but let them now know that the va-

lour of the cavaliers hath honoured that name, both in France and other countries, and now let it be known in England, as well as horseman or trooper; it signifying no more but a gentleman serving his king on horseback. Shew yourselves therefore now couragious cavaliers, and beat backe all opprobrious speeches and aspersions cast upon you by the enemy. Let them know and discerne that for your king you dare adventure yourselves, and for the eternall reward of a just acquired honour.

The Kings Majesties Speech to his whole Army, immediately before the Battell.

The king, riding up to the fore-front or head of his armie, made a royall speech unto them all, the effect whereof I have signified unto you in this my letter.

Friends and souldiers, I look upon you with joy, to behold so great an armie as ever king of England had in these later times, standing with high and full resolutions to defend your king, the parliament, and all my loyall subjects. I thanke your loves offered to your king, with a desire to hazard your lives and fortunes with me, and in my cause, freely offered, and that in my urgent necessitie. I see, by you, that no father can relinquish and leave his son, no subject his lawfull king; but I attribute all this unto God, and the justnesse of my cause: Hee that made us a king will protect us. We have marched so long in hope to meet no enemy, we knowing none at whose hands we deserve any opposition; nor can our sunne-shining through the clouds of malignant envie suffer such an obscuritie, but that some influence of my regall authoritie, derived from God, whose substitute and supreame governour, under Christ, I am, hath begotten in you a confidence in my intentions. But matters are now not to be declared by words, but by swords. You all think our thoughts; endeavour to defend our person, while I raign over your affections as well as your persons. Now, therefore, know, my resolution is to trie the doubtfull chance of warre, which, with much grief, I must stand to, and endure the hazard. I desire not the effusion of blood, but since Heaven hath so decreed, that so much preparation hath been made, we must needs accept of this present occasion and opportunitie of gaining an honourable victory, and some addition of glory to our crowne; since reputation is that which doth guild over the richest gold, and shall be ever the endeavour of our whole raigne. The present action of this battell makes me speak briefly, and yet lovingly and royally unto you, our loyall armie. I put not my confidence in your strength or number, but confide, that though your king speaks unto you, and that with as much love and affection as ever king of England did to his armie, yet God, and the justnesse of our cause, together with the love I bear to the whole kingdome, must give you the best encouragement. In a word, your king bids you all be couragious, and Heaven make you victorious.

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[1] *The Kings Majesties Speech, as it was delivered, the Second of November, before the University and City of Oxford; together with a Gratulatory Replication, expressed by that learned man, Doctor William Strode, Orator for the famous University of Oxford.*

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[1] After the battle of Edge-hill, and the king's subsequent attempt upon London, he retired to Oxford for winter-quarters, and continued to make that loyal university his chief place of residence during the civil wars. Of Dr Strode, the university orator, Wood gives the following account.

"William Strode, the only son of Philip Strode, sometimes living near Plimpton, and he a younger son of Sir Rich. Strode of Newneham, or Newinham, in Devonshire, was born in that county, elected student of Christ's Church, from the collegiate school at Westminster, about the latter end of 1617, and in that of his age 16, or thereabouts, took the degree in arts, holy orders, and became a most florid preacher in the university. In 1629, he was chosen the public orator of the university, being then one of the proctors of it, and two years after was admitted to the reading of the sentences. In 1638, July 1st, he was installed canon of Christ Church, and in the same year proceeded doctor of divinity; before which time, K. Charles I. had settled a canonry of the said church upon him, that should be lawfully elected public orator; but that pious act hath been since annulled, by pretended authority, and now such a thing seems totally to be forgotten among us. As for Strode, he was a person of great parts, but not equal to those of Cartwright, a pithy and sententious preacher, exquisite orator, and an eminent poet." He wrote, "Passions Calmed, or the Settling of the Floating Island, Lond. 1655-4, a Comedy acted in Christ Church hall, before the King and Queen, 29th Aug. 1636;" a Speech before Queen Mary, at Oxford, printed 1643-4; various Sermons, Orations, Epistles, &c. Dr Strode died 10th March, 1644.

It brings great comfort unto me that I am now almost in the heart of my kingdome, and it brings more comfort unto me that I am now in the hearts of my subjects. I would to God we had all one heart in earnest, that so neither my kingdomes should suffer, nor I complaine. You see what is daily committed against me, (who am indeed the father of your countrey;) and I am most sorry that any part of my kingdome should owne those subjects who, in pretence of religion, should lament it, and destroy it. I come not here as a conquerour, but as your soveraigne; and, beleeve me, there is not a drop of blood hath fallen from a true loyall subject, but I have sympathized with it. All the blood is lost doth but open my wounds the wider, and I am sorry that you doe not understand it. Beleeve me, on the word of a prince, on the word of your soveraigne, there is nothing more deare unto me than religion, the religion of my father and the royall queene his predecessor,—a religion which ever from her owne flames hath arised more pure, and multiplied. This is my businesse to you, in which I hope I shall satisfie both God and you. And since I have left the warre behind me, take peace and the day while you see it: I see the clouds make haste to overcome it. The scepter is, and must be mine. Unite yourselves to maintain so honourable, so just a cause; and what one hand cannot infringe, let many maintaine. You have God for your cause, you have me for his second; and since both are together, who can oppose us. You have seen the first and second victory which the justice and mercy of God hath beene pleased to bestow upon me. In the first, we have taken prisoners and slaughtered the chiefest of their men, which was the sinewes of victory: in the second, we have taken all their treasure, which is the sinewes of warre. Warre and victory, victory and warre; and since the first is come unto us by necessity, I hope the second will bee devolved to us and to ours by inheritance.

Gentlemen, My heart doth bleed to see the losse of so many of my people; and where warre cannot prevaile upon me, piety hath done. I bleed in your wounds, and am much overcome to hear myselfe a conquerour. Give me your hearts, and preserve your owne blouds. The heart of a prince is kept warme with the blood of his subjects; the blood of the subjects being not to be preserved, were it not loyally entertained into the heart of the prince. The movings of my lord of Essex did never trouble mee. I have offered myselfe in a quiet and inoffensive march, which I have found as open as it was in my progresse.

I have endeavoured after a desired reconciliation, and I hope, ere many daies passe over, to see it accomplished. It shall be a great happinesse unto mee, if, through the many troubles and travails of my life, I can distill at last the soveraigne balme of peace into the desperate wounds of my distracted kingdome.

The Speech of the University Orator, to gratulate his Majesties coming unto Oxford.

High words cannot reach the joy that your presence hath created in our hearts, which doe blesse our eyes for so desired an object. Learning doth acknowledge the mercy of Heaven, in bringing your majesty to give voyce to the dumbe academy, and renue the muses, slain by that Briareus of ignorance which breathes nothing but religious destruction. Our Oxford hath now throwne off all clouds of discontents, and stands cleare, guilded by the beames of your majesties royall presence. The burden cast on me is my joy, or rather the joy of the academy, extaside into a learned amazement, and raptured into speech, to see your majesty. All gratulation cannot comply with our thoughts, to shew the pleasure our fancie takes to behold your majesty. See, royall king, how Oxford, beauteous in her age, doth kneele, making tears of joy a sacrifice, and begging to be protected from threatned ruine. Shall the springs of learning bee dam'd up? while ignorance doth teare and rend the muses garlands, as would both contemne and destroy schollers; for no enemy can learning have, unlesse it be the ignorant. Your royall majesty is, by descent, a protector of learning, and borne (as your father was) to be the glory and defender of the muses. This may strongly invite your love, wherein wee are already happy in some degrees. But wee feare a malignant enemy should violate our cleare Minerva, and banish from her both maintenance and glory. Pure zeale doth make them seek with one blow to destroy both learning and religion, now bleeding and wounded by schismaticall heads, and expecting cure from your royall majesty. Yet our feares are great, and grounded upon the unhappy fate of learning, which is despised of precise schollers, that weare black onely to mourne for the decease of learning. But joy cannot imagine the time discreet for a just reproofe, and therefore I must tell what pleasure doth refreshe and water our thirsty garden, rather than complaine of scorching heate of persecution. Our memory must not be active in striving to manifest sorrow incompatible with our present joy. Enlarge thy selfe, therefore, Oxford, and let not any griefe so blinde thy heart to a stupid peace, but let loud gratulations wound the aire with reporting welcome to our gracious King Charles.

It is reported, by men of good credit and authority in the citie of Oxford, and by those who, with a watchfull eye, have beheld all his actions, that Prince Robert keepes his souldiers in good discipline, neither are those disorders committed by him, as is commonly reported.

A Speech delivered by the Kings most Excellent Majestie, in the Convocation-House, at Oxford, to the Vice-Chancellour, Doctors, &c.

Wee have considered, gentlemen, the loyaltie and readinesse which your selves, the chiefe of this famous universitie, and the students in generall, have expressed toward our person and affaires, and find, in the demonstration of your affections, that you, who have most industriously studied the best of arts, and growne up to perfection in them, have likewise studied in them the perfection of obedience to us your soveraigne, excelling the rest of our subjects as much in that, as you do in all good learning and sciences: your knowledge, surely, of the resemblance the power and dignitie of kings hath to that of the Divine Majestie, urging and enciting your minds to these so daily

explanations and testimonies of your forward zeale to our service, which Heaven will see shall not passe unrewarded. And, for our part, we shall not so derogate and transgresse against that best of vertues, gratitude, as not to esteeme these services of your courtesies, which wee beleeve the modestie of disposition accounts merely the obligation of your dutie to us, as you are our subjects. And if God had pleased that the rest of our people and cities had been of the same heart that this citie and your selves are, never had these unnaturall and lamentable distractions diffused themselves thorow our dominions; wee had at this time been peaceably at our palace in London, without this number of souldiers, guarded only by our accustomed menial servants; our parliament had proceeded cheerfully in the hard and doubtfull affaires of the kingdome; that citie (the constant chamber of our royall ancestours) been free from the trouble of nightly and daily watchings in armes; no noyse or rumour of war had beene once heard in our dwellings, but everie man had eaten, under his owne vine, the bread of plentie, in peace and securitie: all the natives of this kingdome had acknowledged us their loving soveraigne, we them our faithfull subjects, and with a fatherly care, as wee have formerly provided for their prosperities and well-fares. But the justice of the Almightie (for the sinnes of us and our people) stirred up, at least gave way to the rising of these dissentions: they (by what act of ours mov'd to it our innocence is ignorant) growing fearfull and jealous that wee endeavoured the infringement of their ancient and national liberties; and wee, on the other side, by their strange and rude deportment towards us, engaged to beleeve they intended tumultuously to invade our person in our palace; and had also no meane nor improbable conjectures they aimed at the diminution of our royall prerogative. But feares oft times make men of soundest judgements behold dangers as thorow a perspective, which shewes them, when they are at a remote and scarce-discernable distance, as neerest and most conspicuous objects, encreasing and multiplying the extent of their dimensions; so tender is every mans affection to himselfe; for but for these feares, which, for our part, wee verily beleeve, now, were on both sides needlesse, and some misunderstandings between our self and our parliament, we had never deserted them, nor they us, but gone on, hand in hand, with a mutualitie of faire correspondence and concordance, which yet, wee hope, ere long, will be re-united betwixt us. So much we render the good of our subjects equall with our owne well fare, that wee daily, in our prayers, implore the Divine assistance, for a reconciliation of our kingdomes distractions.

But this attestation of ours, some over-precise zealots in the common cause will not, perhaps, give credit to. Our charity can forgive their rashnesse, and wish they did as truely intend as they superficially pretend the prosperity of the commonwealth, with the same fervour that our selfe alwayes have done, and will doe, to the uttermost. And for bringing in any innovation into the orthodox doctrine of the church of England, with which some maliciously and inconsiderately slander the integrity of our intentions, next to God Almighty, the knower of all secrets, and searcher of all mens hearts, wee appeale to you, gentlemen, who are best of all other skilled in the tenets of our English church, whether you have either heard, knowne, or imagined that we have, directly or indirectly, pursued any such practice. If directly, surely some of you, or some other reverend divines of your acquaintance, who are best versed in the purity of religion, would have been of our councell in that purpose, and so you must have either heard or knowne of it: if indirectly, it must have beene subtilly, and, as it were, by unperceived degrees. But what one new doctrine, essential to faith, hath been by us, our meanes, or countenance, introduced into the English church? It is needlesse to excuse our selfe to you, whose judgements, we are assured, in conscience acquits us of any such attempts or intention: and so, deserting this theame, which wee cannot without great griefe of soule remember, for its fatality and obnoxiousnesse to our selfe and subjects, we must, gentlemen, descend to the particularity of your truth, reallity, and service to us, our

crowne, and dignity. And, in the first place, we give you our royall thanks for your readinesse to give up your city and university into our protection, and for the entertainment of us and our followers, wishing you to give credit, that though we could, with as much ease to our selfe, and utilitie to our affaires, have withdrawne our selfe to divers other of our good townes or cities, yet that there was no place in our whole dominions, since we abandoned, for urgent causes, our royall city of London, that we accounted more faithfull to us than this our city of Oxford, and so esteemed none apter to be made by us the residence of our person. And here, if our more weighty occasions call us not hence, we intend to abide, till we can, with safety to our honour and person, in peace returne to the Jerusalem of our nation, our city of London; in which time of our abode, and ever hereafter, we shall make it one of our chiefest endevours to maintaine you and your university in all its ancient liberties and priviledges, free from any insolencies or oppressions, either from our owne souldiers, or the parliaments forces, which, while wee are present, certainly will hardly invade you. Nor is there a greater joy or comfort incident to us, amidst these troubles and distempers of our state, then to behold this noble university, anciently, and in these times famous, through the whole Christian world, for its learning, and profession of liberall arts, animated by our presence to reflourish with a numerous and hopeful company of students, who go on cheerfully with their studies, growing up, as they doe in yeeres, so in good letters, which, as one of the maine dignities of the church and kingdome of England, wee shall labour to maintaine and preserve, especially in this your university, against all innovations and oppositions; for wee are confidently assured, that the nurse of barbarisme is ignorance, of civility and humanity, knowledge; nor is there any one cause that hath kept a great part of the world so long in slavery to the Mahometan misbeliefe, as that craftie tenet of their false prophet, wherein he prohibits his sectaries the study of, or acquaintance with the learning; that cunning impostor (in that presaging truly) that the madnesse of his erroneous doctrine could indure no longer then the followers of it were blinded with a generall ignorance. Wee shall therefore take care lest that fatall contagion of ignorance doe over-shadow the light of good learning in our dominions; the originall of all the schismes and heresies, which now too amply abound in our English church, deriving themselves from ignorance, that still goes accompanyed with selfe opinion, which, in the most dull and mechanike brests, ingenders those pestilent conceptions, that they as well understand the mysteries of faith, and purity of religion, as the most learned and orthodoxall divines or doctors. But this is too large a digression from our purpose, which was, Master Vice-Chancellor, to give you, and these your assistants, for the whole university, our hearty and royall thankes, for the late present your loyall bounty rendered to us. It was meerely unexpected from you, gentlemen, as these times goe, and therefore received with a greater sense of thankfulnesse; you studying, it should seem, as in all your expressions of service to us, so in this last, to outdoe and transcend your neighbours. And we are heartily sorry that your goodnesse should betray you to such an extraordinary charge, which, since you would be at, to demonstrate over and over your good affections to us, we could not chuse but accept, in as high a nature of thankefulnesse as if you had presented us the Indian wealth you wished us; and so we shall endeavour to let you know wee esteeme your integrity towards us, when Heaven shall please, that, by a faire reconcilement of differences betwixt our selfe and our parliament, wee shall be abilited to make a full demonstration of our royall regards to you and your university. In the interim, you shall assure your selves we shall no longer desire to be king of England then we shall strive to maintaine your rights, and the priviledges and property of all our subjects.

Master Vice-Chancellors[1] *Speech to his Sacred Majestie, at his Entertainment at Christ Church, in Oxford, on New-Yeers Day.*

May it please your sacred majesty that I, in the name of this university, may salute your highnesse with the same words and wishes that the noble poet Horace, once of old, used to that great favourite of Augustus, and patron of desert Mæcenas, according to that poets testimony, *Atavis edite regibus;* namely, *spectatum satis est et donatum cum rude quæris.*

Mæcenas iterum antiquo me includere ludo,
Non eadem est ætas.

Never any words ever suited our purpose with a more efficacious aptitude; for now wee may justly say, in this university, *non eadem est ætas:* the face of times are so wrinckled on the sudden, that they who not long since beheld them young, faire, and flourishing, looke upon them now as if they were quite banished their memory; they appeare so decayed, aged, and uncomely, as if the chaos were returned againe, and the fabricke of our English world shaken into a rude and undigested masse of confusion.

And not without reason, when that all illustrating sunne of your majesties royall presence hath, as it were, suffered a long and hideous eclipse, been obvolved and surrounded with cloudes and darknesse, in respect of the diminution of that light of obedience which was refulgent in the bosomes of all your subjects: darkned are the beams too of your royall countenance, in regard of the absence of your deare consort the queen, her majesty, who hath blessed your majesty with so many faire and hopeful pledges of your loves, so many sweet and gracious princes, of both sexes, that they doe, as those in the Psalmist, sit like olive branches round about your table: darkned they are also in regard of the still-increasing and over-flowing troubles and distractions that so riot in your majesties dominions; a streame of blood, which hath issued from the bodies of your wounded and slaughtered subjects, like a purple cloud, shadowing the accustomed rayes that used so cheerfully to issue out from your majesties eyes, which now seeme all to be transformed into the very ideas of pensivenesse and sadnesse; so that we may, with much griefe of heart, say of your grace, *O quantum mutatus ab illo.* How much are you altered from that king you were, when you used, before these civil warres, to grace our universitie with your royall presence, when nought was heard in our colleges, halls, and houses, nay, in this whole city, but the voyce of joy and gladnesse: but now, *non eadem est ætas,* the gallant and learned orations made here in entertainment of your majestie are now reduced to this poore and unworthy speech of mine, the meanest of your highnesse subjects, instead of those pregnant issues of wit and fancie which the nimble brains of our poets have invented to fill the scene of your welcome hither. Nothing is heard here, at this great festival of our Redeemers nativity, but the tongue of mourning, the universitie being a very theatre of silence; though we must confesse ourselves more obliged to the bounty of the Almighty then any city in your majesties kingdomes, in that he hath blessed us thus long with being esteemed worthy to injoy your majesties presence; and so that never-forgotten benefit hath a little revived and refreshed our drooping soules: yet the sense of our neighbours sufferings comes like the ill genii into our imaginations, to affright them with the horror of their ghostly and hideous countenances. *Non nobis solum nati sumus;* wee were not worthy the religion wee

[1] John Tolson, D. D. provost of Oriel, who continued in his office till the 18th of November.

professe, if wee should not have a fellow-feeling of the afflictions of our country, and its inhabitants, who groane, as the Israelites did under the Egyptians, under the oppressive weight of their burthens, so insupportable, that they would cracke the shoulders of another Atlas to sustaine them; their burthens, which comprehend the contracted weight of all miseries incident to mortality, since all of them are charactered in this civill warre,—this civill warre, that hath robbed the kingdome of the ancient tranquillitie, the church of its so despised ornaments, the subjects of their estates quite, nay, lives, and many of them undone, past all reparation or recovery, by these military tumults. Your sacred majestie will be pleased to afford mee an indulgent pardon for my expatiating so much on this point of the subjects calamity: it is not that I dare be so disloyall to believe any fault of it rests in your majesty, but out of the tender compassion and hearty consideration of their afflictions, which we all hope your majesties paternall and pious care will in good time rectifie. For this particular city, but especially for the body of this university, which this yeere is under my government, unworthy as I am of that charge, had not your majesties comfortable and all-quickning sight removed away the clouds that shadowed us, certainly, ere this darknesse had encompassed us round about, here would have beene no need of a vice-chancelour, when there would have been no students to governe; no need of schooles, when there would have been none to have been taught in them; no science liberall practised in the colleges, whence all the practisers were fled, for feare of persecution, of being plundered of their substances, nay, deprived (as it was probable enough) of their lives, for being loyally affected to your most excellent majestie.

In that great defection of the Israelites from the tribe of Judah and family of David, the tribe of Levi stuck close to their rightfull king: so hath it in England to your highnesse; in all these domestick broyles not one of the clergie (but some of factious spirit) deserting your cause; the two universities, this and that of Cambridge, declaring themselves in your majesties behalfe. And surely wee in Oxford had been justly branded with the title of ingratitude, if we should have relinquished your grace, who have formerly, and at this present time, heaped upon us so many evident testimonies of your royall benignity to us, and your deare affection to the advancement of good literature, which, as I before related, was here reduced to the last gasp, labouring, as it were, for life, till your goodnesse, by transferring your person and presence hither, making this your winter residence, infus'd new life into the languishing academy. The fellows of houses now returne to their chambers, secur'd by your majestie from any feare of dangers: the young students, that, for their safeties, were retired home to their fathers houses, haste back to the colleges, proud that they shall have the happinesse to reside where they may see the light and favour of your royall countenance: So that (thanks be to God, and your majesty) decayed learning begins here againe to respire and flourish.

The Romans, in a noble gratitude to that great Camillus who rescued them from the tyranny and ruine of the Gauls, under the conduct of Brennus brought upon them, would needs have conferr'd upon him the title of the second Romulus, the founder of the citie, and allowed him equal honour with him. The same must wee, inspir'd with no lesse a gratefulnesse, tender to your majestie. You are our second Alured, the second founder of our universitie: and if to save when lost, in some opinion, was as great an action of the Almightie as to create man-kind out of nothing, surely our reason must enforce us to acknowledge ourselves as much indebted to your highnesse, for our preservation and restitution, as to Alured, for our foundation and institution. And so, with the generall votes of the whole universitie, this new yeere, I present your majestie, in their names, with these wishes:—Grace and peace this yeare be multiplyed upon yourselfe, your absent queen, and royal progenie: may the dew fall upon you all, and the blessings of Jacob be in your inheritance. May all these tumultuous and civill distrac-

tions end with the beginning of this yeere, and the rest of it be spent in imbalming and curing the many wounds of our English Israel: and, to conclude, may Heavens best bountie be showred down on you, its mightie and out-stretched arme protect you. And, as an humble and zealous testimony of the universities desires to serve your sacred majestie, in their names, and as the best expression they, for the present, can make of their loyaltie, I here beseech your highnesse to accept this widdows mite, cast, as this new years oblation, into your treasurie,—this cup, with two hundred pounds in gold, which is contained within it: 'Tis all, royall sir, our universities decay'd debilitie hath to render as offering to your gracious hands: our wishes desire it were an unexhaustible Indies: and so we hope the intention of the gift will make us win favour in your eyes, so that your majestie will vouchsafe to accept it as graciously as we present it humbly.

The Earle of Dorset his Speech for Propositions of Peace, delivered to his Majesty, at Oxford, on January 18, *concerning the Warre now in England.*

Edward Sackville, Earl of Dorset, was one of the most accomplished courtiers in Europe, graceful in his person, sparkling in wit, and well acquainted with all branches of polite learning. His vices, says Clarendon, were those of the age, which he was not stubborn enough to contemn or resist. At the time of publishing this speech, both parties were disposed for peace, which probably would have taken place, if they could have trusted in each others sincerity. The city had petitioned the houses upon this subject, and had also sent a petition to the king, containing expressions of unbounded zeal for his service, and beseeching him to return to his parliament. The houses also began to see the necessity of making proposals for pacification; and this speech was probably published in order to show the king's willingness to meet them. Each party was naturally desirous to impute to the other the continuance of hostilities, though probably neither was seriously desirous of terminating them.

Most gracious Soveraigne,

I AM not altogether unsensible of this businesse, wherein I am now called to give my advice. I know I shall suffer some disadvantage, being an Englishman by nation and education, and the best bloud that runs in my veines I have extracted thence; besides, my fortunes have their scituation within these confines. What I shall now speak is not meerly *ex animo, sed ex corde.* Some may haply impute it as proceeding from strength of affection to that place and people from whence I came; but I doe protest, my zeale to your majesty shall, at this time, suspend the agitation of such principles, and I will set aside all particular relations, and looke upon the question as it is, and not as passion and affection may set forth.

The question is concerning wars,—an unknown subject, sweet to those that have not tryed it; yet the worst of war is usually in the close: And of the conclusion of the most advantagious war that ever was waged, when all reckonings bee cast up, the conquerour hath had little whereof to glory. But this is not a warre betweene a king and a stranger, but between a soveraigne and his subjects; a neare relation, and they had need to be weighty motives that shall dissolve this knot. Subjects are easily lost: we see the worke is every day, but once lost, are hardly regained. Affections are like to crystal glasses, which broken, are hardly set together againe.

But these are not subjects as the kingly prophet speaketh of,—" a people that I know

not are subject unto mee;" but your majesty may say of them as Adam of Eve, that was found out of his rib, "flesh of my flesh, and bone of my bone;" or, rather, as David of his subjects, in the day of his inauguration,—"for my brethren and companions sake;" for your majesty being theirs, and they yours by a double tye, you are not only *rex factus*, but *rex natus;* and therefore the union being so straight, the motive had need be weighty that shall cause a man to set his own house a fire, and to destroy the worke of his owne hands.

Now let us consider two things: first, the necessity of warre; secondly, the motives unto it; whether they be *tanti*, and of such moment, that a king should hazard the uncertaine chance of warre, and the miseries that accompany it, rather then to forgo the same.

For the first, it is a good note of Tacitus, that Bellona should be *ultimum refugium*, because it is the worst refuge; and if we consider the wisest kings that ever ware scepter in the latter times, how willing they were to deliver the stroake of warre, almost upon any termes.

If your majesty consider but the practise of King Lewis the Eleventh, and Henry the Seventh, which, of England and France, in the large list and catalogue of all their kings, cannot point forth two of more deepe and profound judgement, and better versed in the mystery of government; yet what meanes they use (or rather did use) to divert the course, if at any time it did come within their channell: they counted it no dishonour to yeeld to their subjects demands, though sometimes unjust and unreasonable; nay, themselves to bee the first seekers and propounders of peace. And so, by this meanes, when the storme was over, and things come to be debated upon the great corpit, they were masters of their own ends, and their subjects affections, and so obtained the victory without striking a stroke.

These wise kings considered the end of war was uncertaine, and the event various; and he that committeth one errour in the warre, especially when the seat of it is in his owne kingdome, seldom has time to commit a second. We need not to goe far for instances: Richard the Second and Edward the Second will be fresh presidents for any that shall endevour to bny the experience hereof upon such deare termes as they did. It should be in the body politique as it is in the body naturall. Phlebotomies should never be used but when the humours are so predominant that no other course will remove them, and that, unlesse they be expelled, they will occasion desolation.

But, blessed be God, there is no such necessitie in the case: there are some rough humours in the body politique, it cannot be denied, and some, it may bee, that worke obstruction in some of the lesser pipes of government, but when your *vena basilica* and *vena cava* are full of the royall spirits in them, have their proper influence and motion, without any opposition. What is now to be done by force is not fit for every subject: Some humours are to be expelled by *lena fines*, when all purgations make them malignant. There are three means to be used, that have not been tryed, any of which are better then the means prescribed. The first removes the occasion. This can bee no impeachment to the scepter: the wisest kings have had their oversight in government, which a wiser day have taught them to recall.

Your father reigned gloriously, and commanded the affections as wel as the body of the English, yet he never sought the obtruding of *minimus infimis*, and yet none more zealous of a kingly government then he. It is an act of the extreamest folly to hazard the substance for a shadow not worthy to be contended for; and if your majesty were master of your own desires, it would not add one cubit to your stature.

Secondly, If this like not, let time work it forth, and by this meanes swallow up the hooke, or induxor: the proposal of it left, recreets distastefull things, works most at first, least afterwards. By degrees, your majesty may work them to that, (which, for the present,) they wil rather dye then embrace. We see how, by degrees, the Romans

brought a royall slavery upon the world, which, if they had at first propounded upon down-right terms, had hardly been accomplished. If ever Norman William by degrees brought the English to weare the yoke, which, if he had at the first tendred, he either must have missed his ayme, or Norman no people to employ;[1] so impatient then were the English nation to heare of a conqueror; and we see it is sometimes costly.

What if your majesty should seem to yield to the demands of the English now, and give the advantage of a faire game? Cannot your majesty remove the objects by degrees, turne the humours some other way, for a more seasonable opportunity to scrue in things, by instruments more fit, and lesse subject to exception. The proposal of the course I hold more certain, more safe, more secure, which knows no law, but devours all the other: and I hold that kingdom most miserable which is forced to make use of a remedy worse then the disease.

Thus much for the first:—there is no necessity of warre, *rebus sic stantibus.*

Secondly, These things in agitation are not *tanti*, of snch consequence as should require such a desperate adventure, as to hazard a kingdom at a cast. Plutarch wisely compared those that know onely to propose the means to such as fish with a golden hooke, the losse of which hooke is of more consequence then the fish they can take. Truly, to speake plainly what I think, they that advise war in this case, know not what it is to get, nor greatly care for the losse of a kingdom, so they may play their own games, and fish in troubled waters. Such councellours as these were the bishop of Rosse to the late queene of Scots, and the bishop of Brookes to that miserable king of Hungary who was the cause and occasion to bring the Turke into Hungary, and the French into Scotland; both which nations have cause to wish that they never knew the way thither againe.

Three reasons have been given to perswade to war, I will not now answer, but leave to him that is better able, and instructed to such a purpose; whereof considering *nulla salus Bello, nulla necessitas Belli.*

My advice to your majesty is not to use warre, but when the end of it is a certaine or probable peace, and when there is no way left but that only to obtaine it.

Prince Charles his Gracious Resolution concerning the present Affaires of this Kingdome, presented to his Sacred Majesty by Doctor Duppa, Bishop of Salisbury, in a Speech delivered in the Princes behalfe, for a sudden Accommodation of Peace between his Majesty and his High Court of Parliament.

First printed at Oxford, by Leonard Lichfield, and now reprinted at London, for John Rivers.

When both parties were desirous of peace, there was, nevertheless, some difficulty in the mode of proposing it. Those who were about the king's person had, more than once, recourse to the prince's name. The following are a few particulars of the life of the venerable prelate who was probably the real author of the proposition made in name of his royal pupil.

"Brian Duppa, successively bishop of Chichester, Salisbury, and Winchester, was born at Lewisham, in Kent, March 10, 1588-9. He was educated in Westminster school, and, in 1609, entered student at Christ Church, Oxon. In 1614, he took the degree of master of arts, obtained, successively, the office of proctor, and the degrees of bachelor and doctor of divinity.

[1] *Sic* in copy.

In 1632 and 1633, he was vice-chancellor of the university. Soon after, he was appointed chaplain to King Charles: in 1638, tutor to the Prince of Wales, and afterwards to the Duke of York. About the same time, he was nominated bishop of Chichester. During the misfortunes of the king, he constantly attended him, and after his death, lived in a retired manner, at Richmond, in Surrey. After the restoration, he was made lord-almoner, and translated to the see of Winchester, and died in the year 1662, aged 73 years.

May it please your sacred majesty, I am, by the commands of that lively image of your royall virtues, your gracious sonne, our hopeful prince Charles, first to make an humble tender of his duty to your majesty, and then to remonstrate to your supreme wisdome the sense his highnesse hath, in these so tender yeers, of the calamatous and intolerable afflictions that march, as it were, *magnis catervis*, through your majesties dominions, and the resolutions his gracious desire hath fixt on (with your majesties favourable allowance) for their sudden cure and remedy. Your highnesse was pleased, in his infancy, to commit the prince, the darling and little eye of this kingdome, to my tuition; and, without arrogating any thing to my owne paines, (in that *absit jactantia verbis*,) I must assure your majesty, in his very disposition then appeared the true character of royaltie, written by the hand of Nature in the faire table of his mind: and though *velle et nolle* was not then in his reach, it being not capable in so young years of the use of reason, yet that strong propension was in his soule to good, that he appeared in all his actions as if he had been moulded for the soveraignty and empire of the world. And those childish and gentle vertues once meeting (as now by his age they have done) with the guidance of reason and discretion, how incomparable and admirable they will grow, to the joy of the whole kingdome, and comfort of your majesty, may be conjectured by this, that he does with so much tenderness and grief resent the distractions and dissentions teeming in every place of your majesties dominions, and, with much earnestnesse, beseech your goodnesse to accept from me his intentions and resolutions concerning the composing these differences; which certainly have not been infused into the prince his highnesse by any counsels or perswasions of mine, or any other that attend his gracious person, but are meerly the issues of his own Minerva, the conceptions of his excellent and encreasing fancy. He is not ignorant (as sayes his highnesse, and so injoyned me to informe your majesty) that the injuries and disobediences which have been attempted against your royal dignity, by divers of your subjects, ought not to be put up, without punishing the offenders; but his highnesse humbly beseeches you to make more use of your mercy then justice: and surely in that (under your royal pardon) the judicious infant hath delivered that which Heaven commands, and commends to rulers of the earth, namely, to shew mercy:—I will shew mercy to the merciful. But your sacred goodnesse is so well skilled in all the works of mercy, that it does appeare a needless labour in his highnesse to incite your disposition to that which is already as inseparable to your royall nature as is your reason. The particular, if it please your majesty, in which his grace implores (for his sake) your compassion is, that you would graciously be pleased to let no further prosecution of justice or punishment be used against the persons of Captaine Lilborne, and other of the parliaments commanders, now prisoners here, and by the severe letter of the law condemned to death; his highnesse beleeving, and not without reason, (the parliament having declared as much,) that whatsoever punishment shall be inflicted on them, the same will be extended to the persons of such noble gentlemen as, in your majesties service, by the uncertaine chance of war, have been made their captives. And surely my opinion in that is concurrent with that of the princes. Besides, there can be no greater ornament to imperiall majesty, then to remit the offences of their subjects, especially when it is apparent they were not intentionall nor malicious offences; as my charity in-

duces me to beleeve these captaines never entertained the meanest thought of disloyalty to your sacred person or dignity, but came into the field, as it were, in the company, and by the examples of their neighbours. Nor should a publicke crime be attributed to a few private men, such as these are, who, having the authority of parliament for their putting on armes, believe, in their misled consciences, it was warrant sufficient for them to doe their endeavours in these unhappy civill warres. For the general state of the kingdome, dissected into several factions and distractions, the prince hath oftentimes, ever with teares, bewailed to me and others the miseries which oppressively are diffused throughout your majesties (his royall fathers) dominions; of which, though his yet budding reason cannot comprehend the absolute causes, yet he gives a shrewd guesse at them, far above the expectation of his tender yeeres. He hath informed me, out of his owne genius, royall sir, that he conceives businesses have beene transacted between your sacred selfe and your high court of parliament with too much acrimony and violence; for, as much as his small reading had informed his understanding, he had gathered, that the English parliaments were the best and most necessary councellors of the English kings; and then againe complained he was fearfull your majesty had beene misinformed against your parliament by some, who, for their owne pernicious ends, affected the fomentation and continuance of the dissentations; so prettily reasoning the causes and effects of these distractions, that, in truth, with much joy I heard his highnesse, resembling him to that young hopefull monarch of this nation, Edward the VI., who was indued with an inspired wisdome above his yeers; concluding with myselfe, that if that kingdome were to be held unhappy that had a child to their king, how fortunate and blessed were ours that had a prince, who, though in yeers a child, was a man in the purity and solidnesse of his discretion,—another Solomon,[1] that (when Heaven takes your majesty from us) might sit upon the throne of his father David, and governe his people Israel with wisdome and equity: and surely we may believe that Heaven, as it hath conferred an eminent dignitie upon princes, transcending that of other inferiour persons, it hath likewise furnished and adorned them with more select and superlative understanding and indowments of the mind then are in other men.

But to his highnesse resolution, with which he desired me to acquaint your sacred majesty, he doth first resolve, that if God should please to take your majesty from him and us (which, in his mercy, we all hope he will not) during the time of these afflictions and distractions, that he a childe should then come to a scepter so incumbred, a kingdome so perplexed and rent in pieces with civill troubles, that it were impossible for him ever to quench the wild-fire of these distractions, which, out of the confidence of his weaknesse, and the inabilities of his youth, would increase past his extinguishment, and so diminish the royalty of this crowne, that he should be impossibilited for ever attaining to the full imperiall state and absolute monarchall dignity of his famous ancestors; a torture, I know, to the greatnesse of his spirit far more intolerable than death itselfe. Next, may it please your majesty, he resolves, that if these bloody and inhumane wars run through the body of this kingdome, that, as their subsequents, must necessarily follow devastations, ruines of cities and townes, by fire and sworde, murthers of men, women, and children, by the cruelty and barbarousnesse of the souldiers, the utter extirpation of Gods true religion and worship, sects and schismes usurping the face of truth, and bewitching the minds of ignorant minded people: All which misfortunes he imagines are reflexive on his gracious selfe, as he is your sonne, and (if God doe not, for our sinnes, take him away from us) must succeed your grace in the royalties of this and your other dominions. The townes or cities that shall or have been ruined in these wars, his highnesse accounts as part of his patrimony rioted from his inheritance:

[1] When Charles II. attained the crown, at a later period of his life, little could be said for the purity and solidness of his discretion.

the subjects your majesty loses, he concludes, might have lived to have been his, and believes that their decreasing is a diminution to his power and the abilities of this kingdome. Finally, he takes to heart so all the evils which now overspread the face of this our earth, that they almost include his gentle and sweet disposition to an unwelcome melancholy, that it may prove prejudiciall to his health and our hopes. And truly, so please your majesty, if, when your wisdome shall fully take it into your gracious consideration, nothing can be more destructive to the obedience which the subjects of England (should the prince ever arrive to be king) ought to pay his highnesse, then the remembrance of these warres hapning in your raigne; the people, who alwayes believe of time past according to the traditions they have from their fathers, being apt to credit that those bloody mischiefs were only occasioned by your majesty, and so your memory will be nothing gratefull to posterity; and where they doe not affect the memory of the father, hardly can that various beast the multitude ever be induced to love and reverence the sonne. Besides, should the wars continue, what insufferable daily miseries must this wretched kingdome expect, when all places shall only be, as it were, constant scenes where tragedies are daily acted. And for that phenix, true religion, which hath long beautified this nation, if she expire by the malignity of these wars, we must not expect a new one will miraculously arise out of the parents ashes: a new one there may, but not a true one; it will rather be a harpy then a phenix,—some strange compound of sundry schismes, polluting the beauty of the church of God; or perhaps every man will be of his owne religion, or else be of none at all.

And what a strange and uncouth metamorphosis this will be, your majesty may judge, and so depress the serpent while it is in the egge, lest, if brought forth, it grow up a dragon, formidable, for its poysonous venome, to all your dominions. In the princes name, therefore, most dread soveraigne, and by his appointment, and for his sweet sake, the staffe and prop of your age, and the growing hope of this kingdome, I am to beseech your majesty to thinke on some way for a speedy accommodation betwixt yourself and the honourable your high court of parliament. The princely hopefull sonne intreats it, your nobles hope and expect it, and, briefly, as the maine support of your royal dignity and the prosperity of all your kingdome, your people, that bleed with these wounds, and groane under that burthen of war, implore it from your goodnesse:—for all their sakes, in especiall for your princely sonnes, for whom I am now imployed, an inelegant orator, great king performe it. And so, begging your royall pardon, if the zeale I have to the cause of your majesties service have made me transcend my commission, I beseech Him in whose hands are all the corners of the earth, and the hearts of princes, to give no lesse then Methusala's date to your raigne over us, in peace, prosperity, and plenty.

A Whisper in the Eare, or a Discourse between the Kings Majesty and the High Court of Parliament, concerning a Pacification and Conditions of Peace, by a Scholler of Oxford, and a Citizen of London.

Blessed are the peace makers.

Oxford, printed by Leonard Lichfield, Printer to the University, 1642.

This is a royalist tract, composed for the purpose of at once representing the king's arms and preparations as formidable, and his dispositions to peace as sincere, and deserving of confidence.

Such were the various artifices and arguments by which either party endeavoured to cast upon the other the blame and guilt of the civil bloodshed. The author seems also to have had it in view to excite among the presbyterians, to whom we must suppose his Citizen belongs, a jealousy of the various sectaries, afterwards so well known under the general name of Independents. But the presbyterians continued to use them as auxiliaries, until the sectaries became strong enough to dictate to them, as masters and conquerors.

A Conference between a Gentleman of Oxford and a Citizen of London.

Cit. Noble Sir, y'are welcome, more, and most welcome, all the degrees of welcome; thrice welcome you have beene, and shall to my house, and to the best entertainment I may, or can afford you.

Gent. Deserving friend, you have really shewed it, and I have experimentally found it; for which I must ingenuously acknowledge that I am deeply engaged in the debt-booke of your love, and so farre runne in arrerage upon the score of your favour, that, for the present, though I am your obliged debtor, yet, for the future, I shall endeavor, by all faire and civill respects, to demeane myselfe as your avowed, devoted, and most gratefull servant; for to you I may well say, as sometimes Æschines said to Alexander, *Debeo tibi meipsum*, I owe you my very selfe.

Cit. Sir, you transcend the spheare of my deservings; and assure yourselfe I am all yours.

Gent. You are all goodnesse, the cord of whose fidelity hath so firmely tyed me unto you, that I am yours soly, and yours inseperably, yours perpetually, upon all occasions, wheresoever, whensoever, or in whatsoever you shall vouchsafe to command me.

Cit. Sir, all the favour that at this time I shall request of you is, onely that you would be pleased to impart unto me the late passages and occurrances which have beene in agitation at Oxford, where his majesty hath been and is now resident: the state of the whole kingdome is concerned therein, and we Londoners are of the Athenians humor and disposition, desirous and inquisitive to heare newes.

Gent. Indeed, 'tis the demand of all men now-a-dayes, in all places wheresoever they come, what novelty is abroad. Harke in your eare.—The times are now growne so perilous, that to be an honest man its a dangerous matter; and who is truly religious, in these distracted daies, (wherein most men have a forme of godlinesse, but deny the power thereof,) 'tis a difficult question to determine. There are so many sectaries sprung up amongst us, that more for number, and the like to these for nature, was never knowne in the memory of man. Hence it is that so many men, so many townes, cities, nay whole counties are divided; some are for the king, others altogether for his great councell, the parliament. Wiltshire and the county of Salop are wholly for the king, as by their ingagement and resolution doth appeare: Hartfordshire and Buckinghamshire (*cum multis aliis*) are as much for the parliament, and are fully resolved to hazard their lives in the parliaments cause.

Cit. 'Tis strange that such divisions should bee amongst such loyall subjects, under so royall a soveraigne; for though prince and people have been happy a long time, (to the admiration of other nations,) yet never did the king and kingdom suffer more then both these have done of late.

Gent. 'Tis not so strange as true: Ile tell you the ground of it. Harke in your eare.—In these our present distractions, when forraigne forces threaten, and probably invited, and a malignant party at home offended, the envious one, that grand impostor, hath cast a bone, and raised a contestation between the king and his two houses of parlia-

ment, touching the militia. His majesty claimes the disposing of it to be in him by right of law; the parliament sayth, *rebus sic stantibus*, and *nolente rege*, the ordering of it is in them. That ordinance of the militia, without the kings consent, hath been a fomenter of this militia, and was one of the bones of our unhappy division.

Cit. I am of your mind, that that was the first fuill to the fire of this unnaturall warre.

Gent. There was not wanting other matter to encrease this flame: listen, and Ile tell you:—the keeping the king out of Hull, and taking his armes and ammunition from him.

Cit. But, with your favour, sir, these were not taken from the king, but for the king; and good ground is there for it; for the high and honourable court of parliament is his majesties just and faithfull councell, and whatsover they doe, or have at any time done, is upon grave advice, and in mature deliberation, and doth undoubtedly tend to the good and benefit of the king and the whole kingdome.

Gent. You say well, yet give me leave to tell you, that the kings councellors at Oxford are of another opinion: they confesse it is so pretended; but the quere is, whether it be so intended? If it be, why is his navy at sea imployed against him? why have they made an ordinance for setling customes without an act of parliament? when an act of this parliament declares, that no custome is due without an act; and all such persons as receive the same incurre the forfeiture of a premunire. Hereupon his majesty hath set forth a proclamation, at his court at Oxford, the 16th day of this present moneth, prohibiting the payment and receit of customes, and other maritime duties, upon that late ordinance of both houses of parliament. In the proclamation, his majestie doth relate, that the monyes arising from these duties are to support an unnatural rebellion against him, and to foment an intestine and civill dissention; and doth thereby declare to all his people, of what sort soever, that whosoever, henceforward, shall, by vertue of the pretended ordinance of parliament, pay any monyes for custome, or other duties therein mentioned, other then to his proper ministers, what is due to him by the knowne lawes of the kingdom, that he will proceed against him or them in due time, as an ill affected person or persons to the peace of this kingdome.

Cit. 'Tis impossible that such an aggregate body as the parliament is, can, or should do any injury, either to the king or his three kingdomes.

Gent. I assent to you in that. It is not the parliament, (for that assembly is *fons justitiæ*,) but some malignant members of the representative body, which have been taxed by the king, in his severall declarations.

Cit. The king stands for his prerogative, the parliament for their priviledge; about these there are a great distance, and grievous difference between them both, insomuch that both are displeased, and 'tis much feared that nothing but the sword can decide their controversie: I would to God it were once sheathed; I am sure, so long as it is brandished over our heads, 'tis a sad omen of fatall destruction, and doth menace ruine and desolation to the kingdome of England. Warre is the way to destroy all; and of all warre, a civill warre is the worst; and at this time our land is so fruitfull of such monsters, who, like so many Neroes, are ready to destroy their owne mother. How many myriads of barbarous men are there amongst us, who delight in nothing more then in the effusion of bloud: these are the hot-spurres of the times, whose spirits have no spirit at all to peace. All are not well-affected unto peace; but it is, and shall be my prayer to the God of peace, that the wounds of this distructive warre may be healed, that our peace may be, as formerly it hath beene, againe restored; and, to this end, I pray God amend all those that are malevolently disposed.

Gent. Amen, say I.

Cit. And further, may it please God to take away the wicked from the king, that his throne may be established in righteousnesse.

Gent. You wish well; but who (I pray you) are those wicked ones?

Cit. Why, the malignant party, and they are the cavaliers, and evill councellors, that have bin, and are still about his majesty, who have seduced our good king, and withdrawn him from his great and best councell.

Gent. I wish that all who have been engines in withdrawing, or maine actors of withdrawing the king from his pallace at Whitehall, and from his parliament at Westminster, were hang'd and drawn, for their labour and invention; for had not his majesty beene so withdrawne from us, there had not beene such an unhappy warre amongst us as at this present there is.

Cit. That I verily beleeve; but I pray, sir, resolve me who those mayne ropes are, (a rope take 'em,) in withdrawing the king.

Gent. Harke in your eare, for feare one of 'em may overheare me: Though my braines be muddy, I would be loth to have them washt in the kennell, by those rude, unruly, headstrong, and giddi-headed schismaticks. They are a rable of brownists and anabaptists, who have beene, and continew still the chiefe disturbers of the peace, both of the church and commonwealth. By their factious meetings and illegall tumults, they have driven his majesty from us: the king himselfe professeth no lesse in these words:—No other reason induced us to leave our city of London, but that, with honour and safety, we could not stay there; and it was in regard of them; therefore, they are a most dangerous and mischievous generation; they are like the devil himselfe: legion, multitudes of them are now resident in the city of London, in every parish round about us.

Cit. I cannot confide in all that you averre.

Gent. (Harke in your eare.) There are a great many of these waspes now at this instant in the countries and in the parliaments army.

Cit. Say you so.—Pray, sir, what have they done?

Gent. What have they done! nay, what have they not done? Their barbarous and sacrilegious inhumanity hath beene of late exercised in churches, as in Canterbury, Worcester, Oxford, and other places, where they have perpetrated and committed such horrid and unheard-of outrages, as Jews and atheists never practised before.

Cit. I am sorry with all my heart to heare it.

Gent. I would I had no cause to relate it. At Canterbury, in Kent, they no sooner entred the church and quire, but, giant-like, they began a fight with God himselfe; overthrew the communion-table, tore the velvet cloth from before it, defaced the goodly skreene, violated the monuments of the dead, spoiled the organs, broke downe the rarest windowes in all Christendome, with the antient railes and seates, and the brazen eagle that did support the Bible, forced open the cupbords of the singing men, rent some of their surplices, gownes, and Bibles, and carried away others, mangled all the service bookes and bookes of common prayer, bestrowing the whole pavement with the leaves thereof.

Cit. If such an outrage was committed, may they answer for it that did it.

Gent. Nay, this was not all; for, as if all this had beene too little to satisfie the fury and madnesse of these miscreants, they further encreased their malice and cruelty upon the arras hangings in the quire, representing the whole story of our Saviour; wherein observing divers figures of Christ, (I tremble to expresse their blasphemy,) one said, here is Christ, swore that he would stab him; another said, here is Christ, swore that he would rip up his bowells; which they did accordingly, so farre as the figures were capable thereof; besides many other never the like heard of villanies: and, not content therewith, finding another statue of Christ in the frontispiece of the south gate, they discharged against it forty shot at least, triumphing much when they hit it in the head or face, as if they were resolved to crucify againe the Lord of life. They threatned the ruine of the whole fabrick, and would have done more mischiefe, had not Colonel Sandis, with some others, come to the reliefe and rescue.

Cit. I pray God amend all that is amisse.

Gent. The times are grown so bad, that better they may be, but worse they cannot be. We heard lately, at Oxford, that many of your citizens have petitioned to the parliament for peace; their apprentices, likewise, and divers well affected young men of London have supplicated to the two honourable houses for a blessed accommodation.

Cit. 'Tis true, there are some for it, and some against it.

Gent. Sir Robert Heath, sometimes lord-chiefe-justice of the Common Pleas, after glad to have the favor to plead as a common serjeant, now lord-chiefe-justice of the Kings Bench, is in great fame and favour with his majestie.

Cit. So are many more at this present; but the parliament are fully resolved to proceed against two persons, (delinquents,) as the maine promoters and fomenters of this unnaturall warre upon the subjects; thereby to give satisfaction to the world, in an example of justice to be executed upon them.

Gent. Who are they?

Cit. The one is the lord Digby, whom fame taxes to be the adviser of his majesty to come in person to the house of commons in a hostile manner, to accuse the five members of high treason. This lord fayling of his end in that designe, advised a warre upon the parliament, as it evidently appeares by his actions and preparations, both beyond sea and here in England, and by severall letters which have been intercepted. The other person demanded to be proceeded against is the earle of Newcastle, who hath put the sword into the papists hands, who hath, in a most rigorous manner, tyrannised over the kings good subjects in Yorkeshire, imposing upon diverse men great and grievous taxes, as, upon some £2000, upon others £3000.

Gent. This is one ground (as I am enformed) that the marquesse of Hartford hath of late declined the service his majesty imployed him in; for that the king hath not onely given way to the raysing of a popish army in the north, but hath granted commission to the marquesse of Worcester, a knowne papist, to be generall of the forces in those parts where he is; whose army consists most of profest papists.

Cit. Have you heard yet of Colonel Gorings late landing at Newcastle?[1]

Gent. I have. 'Tis for certaine that that faithlesse colonel, once governer of Portsmouth, who afterwards desired banishment, and promised never more to serve against the parliament, is yet, for all his vowe and promise, come over againe, and hath taken up armes, contrary to his faith. He is landed, with a regiment of a thousand old, experienced souldiers, eighty brave commanders, and twenty peeces of ordnance, with all ammunition and equipage proportionable: besides, he hath brought with him armes for tenne thousand men, and her majesties standard, which is to be the blazon of her army, and erected at the head of it, (called the catholicke army,) under the command of the earle of Newcastle.

Cit. They say there are three regiments more comming from the northerne counties to the said earle of Newcastle; which army of papists, come compleated, will prove more formidable to this kingdome then is at present imagined.

Gent. 'Tis credibly reported, likewise, that in Nottinghamshire the cavaliers doe make a party, having possessed themselves of Newarke upon Trent, and put 400 men into the castle, and command the passage there over the river.

Cit. But Ile tell you of a strange thing, the like you never heard of: 'tis of a pamphlet that was on Saturday last published and printed, entitled, A Complaint to both Houses of Parliament. The author and publisher of it hath scattered many of them

[1] Colonel Goring having been appointed governor of Portsmouth by the parliament, declared, notwithstanding, for the king, at the commencement of the civil war, but was obliged to surrender the town to Sir John Meyrick, on condition he should be permitted to go beyond seas. He returned, however, if Clarendon may be credited, to do more mischief, by his treachery and profligacy, to the royal cause, than he could do it service by his excellent talents.

in divers places; as, in Pauls Church-yard, in Westminster-hall, and Westminster-abey. The aforesaid pamphlet is stuffed with intollerable language, full of bitternesse and invectives against the parliament, and their legall proceedings: therein that great councell of the king and kingdome is called a corporation of projectors, and most unjustly taxed for doing nothing these two yeares past tending to the good of the republique.

Gent. In that the pamphleteer (or rather scandalous libeller) is most injurious to our grave senate; for the world knowes, and we can all sufficiently relate what memorable acts, and never to be forgotten things, the indefatigable labours and endeavours of those worthies have effected, and brought to passe, for the publicke good, (against all opposition whatsoever,) ever since their first session, to this present day.

Cit. Blessed be God for it; and I pray God still blesse and prosper them in their determinations and consultations.

Gent. And as that scandalous pamphlet is condemned to be burnt by the hand of the hangman, so may the malignant author, contriver, and publisher thereof be stigmatized and branded with the perpetuall marke of infamy, for defaming so renowned an assembly, in that false, and infamous, and libellous pamphlet. At Oxford lately, at the councell-table, the earle of Bristol made a speech, the effect whereof was to animate his majesty not to lay downe armes, but to prosecute the parliament with all vigor; and, at the same time, the earle of Dorset rose up, and spake bravely for a happy agreement and concurrence betweene the king and his parliament.

Cit. Pray, sir, how stands his majesty affected?

Gent. Our gratious king desires it, and would willingly, upon honourable tearmes, embrace it with all his heart: so doth his nephew, Prince Rupert, if we may beleeve that speech which he lately spake to his majesty and the lords of his privy-councell, at his returne from Redding to Oxford.

Cit. I shall love Prince Rupert the better for this, and am now perswaded that he hath suffered more by the obloquie and detraction of factious spirits then ever he deserved.

Gent. That I verily beleeve. For my part, I thinke there's no good man but desires peace.

Cit. May peace bee within our walls, and plenty againe within our dwellings.

Gent. May the clouds of discord, discontent, division, and difference be all dissipated, that there may bee a cleere and right understanding between the king and the parliament: then, come peace or warre, life or death, it is, and shall be our prayer, God save the king.

Cit. And preserve the parliament.

FINIS.

The Queenes Message and Letter, sent to the Kings most Excellent Majestie, from the Hague, the Eight of October, 1641.

Henrietta Maria, it will be remembered, left England in 1642, for Holland, carrying with her the crown jewels, by pawning which, she purchased supplies of ammunition and arms for the royal forces. This letter, giving an exaggerated account of her preparation, was probably published to give spirit to the partizans of the royal cause.

Most royall and illustrious monarch of Great Britain, my great, my good, and worthy liege, the most regall object of my loving heart, best affections, and utmost endeavours, be pleased to let this paper, in all humilitie, salute your princely hands, and to give your princely cogitations some account of my endeavours (as I am bound in duty, and as I am your spouse and loyall wife) for your majesty in my absence, my love having now no other wayes left of expectation, but by being your humble and faithfull agent in accommodating and promoting your high affaires, wherein, if my words, the pledges and earnest solicitors for the improvement of your present fame and glory, may cary in them any strength of perswasion, I would earnestly encite your princely thoughts to a remembrance of your majesties resolution to carry forward your designes untill they grow to a famous maturity and ripenesse : maintaine and continue your cause and complexion, in the hardy prosecution of your affaires, without any mittigation, unlesse an honourable satisfaction may make you disbandon and rayse your former intentions. Now you have a large field given you, wherein the illustrious vertues inherent in your royall person may be actually expressed, and give the whole Christian world, which are now spectators, and the eye of all Christendome upon your person, a cleare approbation and testimonie that your majesty merits that noble attribute annexed to your royall title, Defender of the Faith; for by such like actions as these, princes live when they have paid their debt to nature, and will be their own monument, which shall be everlasting, and more durable then that of marble. Be therefore constant in your princely resolutions, full of your own cause, and your majesty shall never want external accommodations and forreign compliances, which, by my earnest endeavours and solicitations, have of late bin somewhat advanced, having obtained a list from our brother the prince of Orange, from whence, as the speciall merit did distinguish them in worth, I have selected, out of that number, some choyse, well experienced, and serviceable souldiers, such as shall bee forward, with couragious affections, to maintaine your princely affaires, and to amplifie your renowne and glory in the engagement of present actions : and out of these deserving men I have sent fifty stout commanders, who will be alwaies ready to do your majestie service in your army; and that I might further supply and serve your present occasions, I have caused 400 barrels of powder, and 10 pieces of ordnance, to bee conveighed to your majesty, besides good store of all other ammunition, necessary upon all warlike occasions. The complyance of our noble brother the prince of Orange is so settled in a firme complexition, sympathising, and affectionately agreeing with the present condition of affaires, that he hath, by many demonstrations, given testimony thereof, and, by raysing divers sums of money for my use, hath endeavoured the inclination of his particular affections. Amongst other accommodations, least your majestie should be any ways necessitated, I am to certifie your majesty, that the jewels of your crown are, for present receipts, engaged to some certaine Jewes of Amsterdam. Moreover, I am to give your highnesse cause to esteeme the cheerefull undertakings and forward alacritie of our brother the prince of Orange, who will, with all carefull vigilancy, be ready to take all opportunities for your majesties advantage, and will, with cleere intentions, wherein you may repose trust, bee ready to expresse himself in all Christian offices. My acknowledgment of Prince Robert's valiant courage and love, exprest in personall actions, and those adhering to your majestie, being arrived to my knowledge by a letter lately sent to Mr Jermin, must needs deserve my approbation and highest commendation, since his worth and noble actions are of such transcendent expression of princely merit. Amongst the other endeavours of my affectionate desires, the States have been earnestly solicited for their ayde and assistance, which, as yet, cannot bee induced upon them to grant, nor can I, by any perswasion, obtayne the effect of my urgent motion, though I hope my letters, sent unto my brother the French king, shall infuse a royall flame into his breast, and make him, through accompable fullnesse of your highnesse cause, give such ayd unto your majesty, as may

expresse him royall in his thoughts, and tender of his regall relation unto your highnesse; but if my letter should be so unhappy as not fully to inflame and instigate his minde to awake his power in your ayd and defence, I cannot, nor will not see your actions, brought on with so much expectation, any way disanimated; but since the ages hopes must be the production and business of your weighty affaires, my personall solicitation shall, at my going into Fraunce, enduce and incline my most Christian brother to appeare in promoting and assisting your majesties cause and actions, which are so full of honourable justice. Though absent, still wee bee resident in your princely heart; and beleive my affections and endeavours are ever ready to serve your majesty.

Sir, I am, and allwaies shall be your most dutifull wife and liege woman,

HENRETTA MARIA.

The Declaration and Petition of the Prince Palsgrave of the Rhyne, and the Queene his Mother, disclaiming and discountenancing Prince Robert, in all his uncivill Actions which he useth in this Kingdom, desiring both Houses of Parliament not to stoppe their annual Pensions due to them for his Cause, which they cannot help.

The services which Prince Rupert did to his uncle in the civil wars occur at once to remembrance, so soon as he is named. It would seem that his mother and his brother, the Prince Palatine, were willing to be thought averse to his proceedings. The reason is sufficiently obvious. The parliament held the purse, and nothing could be issued for supplying the necessities of this exiled family without their approbation.

Their Protestation and Declaration, &c.

WE do, in the presence of Almighty God, and to all the whole world, and in the sight of all good men, in no manner approve, allow, give consent, or any way countenance the unjust and unruly actions of my son Prince Robert, now in England; and so do I the same with the queene my deare mother, by the same vow, dis-relish and hate all those outrages and cruelties of my brother Prince Robert; and it grieves us at our very soules for his unhumane cruelties we heare he commits, whose passion we cannot confine, and whose hot spirit we cannot calme, nor disswade him from acting, by all the lawfull meanes which we have used, as by letters, messages, and intimate friends.

And our petition and desire is, to the honourable houses of parliament, that our annual pensions may be duely payd us, which is our chiefest livelyhood under God, and that we may not suffer and languish for his sake, whose actions and behaviour we cannot helpe: hoping that both houses of parliament will speedily consider of our petition which we have sent unto them; having continually found that favour from this kingdome of England, for their reall loves in our distresse, that we are bound to assist you and your nation, both with our prayers and thankes, which is only acceptable and best pleasing unto God, and to all righteous men.

And for my particular, I take God to witnesse, so long as I was in England with his majesty, I laboured for peace, and a reconciliation betwixt his majesty and his par-

liament; but finding that I could not prevaile, but I was over-borne by a strong faction, who had his majesties eare, I took my leave, and went for Holland, obeying and hearkning unto my dear mothers counsel, whom I shall willingly obey and abide with.

From the Hague, 5. Octob. 1642.

Advertisements concerning the Impeachment of the Queene's Majestie of High Treason, by the prevayling Partie of the Lords and Commons, which remain at Westminster, May 23, 1643.

2. Sam. xvi. 21.

"And Ahithophel said unto Absalom, goe in unto thy father's concubines, &c., and all Israel shall heare that thou art abhorred of thy father; then shall the hands of all that are with thee be strong."

The queen having landed in Burlington Bay, marched through Yorkshire, at the head of a small army, and joined the king at Edgehill. The house of commons, incensed at the activity which she had displayed, resolved to proceed in her impeachment, although it was a certain method to render desperate the hope of any reconciliation with Charles.

The purpose to impeach the queen of treason was no new devise, occasionally taken up by chance, but a design which had been plotted and concluded on before her coming into England; for no sooner had they heard that she was in readinesse to depart from Holland, and that some ships of hers were already landed, under the conduct of Van Tromp, admiral for the states-general of the United Provinces, but, to prevent her landing, or destroy her person, it was ordered, by the committee for the safetie, that if the queene, or any of her ships, put into Newcastle, theire foure ships, which lay hovering on that course of purpose, should either hinder them from coming in, or else give them battel. But then, upon a supposition she might come too strong, either to be intercepted or kept from landing, it was proved, at the same time, also, that a strict inquisition should be made into all her actions while she was in Holland, (concerning which they had before devised and published many foolish pamphlets,) and that according to such information as should come from them, an impeachment of high treason should be drawn against her, at her coming over; which proposition was laid by at the present time, not so much out of any due respects to the king or queen, but because, as one of them affirmed, the times were yet unripe, and themselves not ready for so great a business.

Afterwards, having taken Reading, and finding that their armie, under Sir William Waller, had run over the west, and fallen into some parts of Hereford and Glocestershires, the proposition was resumed, and the project followed; which they thought fit to venture first in generall terms, and not to specifie the particular which they aimed at most; for upon Thursday, May 18th, Mr Pym brought up a vote from the lower house, that all papists whatsoever, which had assisted the king, in the present war, against his parliament, with money, men, armes, or horses, should be impeached of high treason: at which the earle of Holland stumbling, in regard there might be some intention to include the queene under the generalitie of that expression, the earles of Essex, Bullingbroke, Manchester, the lord Say, Rochfort, and Wharton, and the earle

of Denbigh, being of counsell in the plot, severally declared themselves, affirming, that they sawe no reason why she should be excepted, in regard she had been such an active instrument in furnishing the king with all things necessary to pursue the warre; the earle of Essex not sparing openly to say she was the cause of all our miseries, and therefore most especially to be proceeded with all. But, in conclusion, to please the more moderate lords, it was ordered that the word whatsoever should be left out of the vote, and a verbal declaration made, that they intended not to include the queene in the vote at all: Which declaration, how it edified in the house of commons, will appear fully by a letter sent from a member of that house to a friend of his, and is this that followeth:—

A Copie of a Letter from a Gentleman in the House of Commons, concerning the Proceedings of that House against the Queen's Majestie.

Sir,

You have heard formerly, from some other hand, what dangers the queen hath suffered when she was at sea, and what she suffered at her landing; and now shall receive from mine a true report of greater dangers threatened to her then those she scaped at sea, or upon the shore, which is briefly this:—

This day, being Tuesday, May 23d, hath produced the design of the lord-generals coming hither, introduced, as it were, by an accident, on occasion of one of the Marleburgh prisoners that hath escaped, and was examined this morning at the barr, relating such extream severitie, and Turkish usage (as his words were) of the prisoners with you, that many perished for want of water and other necessaries; which was sent up to the lords, to be examined upon oath, and to be published. On which occasion, Mr Salleway, knight for Worcestershire, moved that this crueltie, proceeding all from papists and popish counsels, they might forthwith proceed to the impeachment of all the papists, even of the greatest, which he did not feare to name, the queene; who (as the boy of Athens) ruled the king, and the jesuites ruled her, and she was the fountaine of all these troubles. Darley seconded forthwith to impeach her. Strode moved to treat with her as a friend to reconcile all differences, or to impeach her, to disable her from doing them injury. Pym,—that all the danger and mischiefe which hath befallen this state hath proceeded from her, all from beyond sea, both before and since the parliament; and that there is no want of evidence against her: witnesse her known sending in of forreine aids of arms, munition, money, men, and coming over, and being in the head of an army against the king and parliament; and they ought not to fear to impeach her, for fear had undone all their business, and it was now time to lay it aside, and she to be forthwith impeached of treason. Rows and Sir Nevitt Pool added, her pawning the jewels of the crown; Sir Arthur Haslerigg, her countenancing and protecting of traytors. Sir Peter Wentworth agreed to have her forthwith impeached, being high time to lay the axe to the roote, as she was, of all their calamities. Mr Wheeler moved they might proceed more advisedly in so great a business: their over-hasty impeachment of diverse, as the lord archbishop of Canterbury, Justice Berkeley, and others, before they had fully considered of the facts and offences, had much disadvantaged the affairs, and disreputed the honour of the house, for which he was in danger of being questioned, but passed over. Sir Robert Harlow and Mr Pym again moved to impeach her forthwith, and to desire that a proclamation might be also forthwith made for her appearance. Sir Henry Ludlow moved a learned doubt, viz. if they meant to proceed by bill, he thought they would hardly get the royall assent; if they impeached her in the way of ordinance, they should be parties and judges. Sir Gilbert Gerrard for present impeachment; and Mr Martin, that they should not fear the dig-

nitie of her person; for he knew no person so high (he excepted none) but was subject to the law; and would not have her impeached by the name of queene, but of Henrietta Maria, wife to the king. Mr Maynard moved that it might not be proceeded in, being inconvenient now, when there was an overture of peace, and dangerous from abroad, in regard of her great alliance. Mr Waller seconded it most rationally, and that now it was most unseasonable, a rejection of all means of peace, and a sentence to fight it out to the last man; whereas we were bleeding already, to fainting, fitter to be staunched then more let out: and it would be so far from subduing the papists, that whereas they were now under law, if the sword should decide the question, the sword would be the law: and this day, being yesterday, appointed to consider of the waies of peace, this was a strange, if not an ill one to it, and a going from it to war. Mr Pym,—it is the fittest time now to do it, and will be a proper part of our answer to yesterday's message, to shew the cause of all our obstructions to peace, and declare our hearts plainly, and so it may be for her and our good, and the most effectual way to peace. Mr John Potts moved it might not be now, because it would make France our enemie, and bitter any message we shall send to the king. Mr Whitlock would not have it now, because it takes away all the hopes of peace, and leaves all to be ended by the sword; would bring in foreign force and all her alliance, to destroy our peace; and no vote of ours can secure our religion or peace, but the sword, if this proceed, must do it. Mr Martyn,—she hath been the cause of all our idolatrie, and now we shall make her an idoll to us. Mr Jephson would not have it now, for it would be understood a deniall of peace. Strode,—no peace rather than a massacre, which will follow, if we secure not ourselves, which no faith nor promise of theirs will do, they holding it lawfull to break faith with us hereticks. Mr Bagshaw,—her majesties actions are no levying of war against the king, within the statute of 25 Edw. III. Sir John Holland seconded him, adding, it would put all to the triall of the sword, and so hazard or lose all, for what that got, must and would be maintained by it. Long, Sir William Armine, and Mr Glynn, for present impeachment, thereby to weaken their enemies. And so voted, that the queene had levied war against the parliament and kingdom, (not naming the king, but as included in these two words;) and 2dly, that Henrietta Maria, queene of England, shall be impeached forthwith, by the house, of high treason: and accordingly, about one o'clock, Mr Pym carried up the impeachment to the lords bar, (who were intreated, about twelve o'clock, to sit till they came,) there being not above a hundred in the house whilst the business was in agitation, and voted, without division of the house.

Sir, you may see by this, &c.

Tuesday, May 23, 1643.

In the pursuit of this impeachment, which Mr Pym delivered (as it was observed) with great paleness of face, and trembling of bodie, which seemed to argue an affrighted conscience, it was advertised, by letters of the last of May, that some of the lords had called upon the lower house to send up their articles against the queene; and that it was replied, by Serjeant Wild, that they were not ready for it yet: by other letters, on the 7th of June, that, on the landing of an ambassador from France, the Lord Say began to wax cold in the business, and seemed desirous to wash his hands of the impeachment, protesting, in the open house, (which was strangely impudent,) that he had ever been against it: By others, of the 14th of July, that, amongst other motives laid before the Loudoners, to draw them on to the raising of new forces to continue the war, the first was, that it would bring on the business of the great seale; the second, that it would further and promote the impeachment of the queene; which was the last time that this business hath been toucht upon, (for ought we know,) their affairs beginning to decline, and the times being more unripe for the prosecution then they were at the first making of the proposition. When their affaires are in better condition, and the times more seasonable, we shall hear more of them.

The Inhumanity of the King's Prison Keeper, at Oxford, or a true Relation of the most transcendent Cruelties, Cheatings, Cozenings, and base, dishonest Dealings of William Smith, Provest-Marshall-General of the King's Army, against the Parliament Prisoners under his Custody; as it was delivered at the Barre, in the House of Commons, by one, who, with many others, were sworne before the Lords, assembled in Parliament, and were Prisoners in Oxford six Moneths; being further confirmed by Captain Wingate, in the Commons House, he being a Member of the said House, and some time Prisoner in Oxford, the space of nine Moneths: Together with the Copy of a Letter from a Gentleman of Quality, confirming the former Particulars: Also, the Copy of a Petition and Articles exhibited to the King, his Councell of Warre against Smith: Likewise, a Letter to the Speaker, subscribed with Seventy Prisoners Hands. Whereunto is added, the unsufferable Cruelties exercised upon the Cirencester Men, in their Passage to Oxford, and at Oxford, in the Castle and Bride-well, when they were taken. Written by Edm. Chillenden, who was a Prisoner there six Moneths. Printed according to Order.

London, printed by G. D., for John Bull, 1643.

A True Relation of the transcendent Cruelties, and base, inhumane Practises of Captain William Smith, Pro.-Marshall-Generall of the Kings Army, extended and exercised on the Parliament Prisoners in the Castle at Oxford.

It is seldom, according to Shakespeare, that "the steeled jailor is the friend of men;" and it may easily be supposed, that the agitation of passions, during civil commotions, renders those who possess the power of subaltern oppression doubly hard-hearted in exercising it. The charge of cruelty to prisoners was retorted, it may be feared, with equal truth, upon the parliament's party; and the reader may compare the character of the cavalier jailor, Smith, with that of a roundhead seneschal of Windsor Castle. "There is none so insolent and intolerable as a base mean man started up into command or authority: we cannot give you a greater instance than in that beggarly Captain Ven, citizen of London, made colonel and commander-in-chief of Windsor Castle, who doth not only assume to himself the propriety of his sovereign's house, dating his letters to Jezebel, his wife, 'from our Castle at Windsor,' and building some additions to the Dean's lodgings, as if he meant to set up his rest there, and make that his habitation; when no place in that royal castle is fit for such a couple but the coal-house, and even that too good for them. But, as if there would never come a time to call him to account, he doth use the gentlemen soldiers taken by the rebels, and sent prisoners thither, with that cruelty and inhumanity, as if they were Turks, not Christians; for the gentlemen that are prisoners there are not only kept from church, nor permitted to receive the sacrament, neither from their own preachers, nor from any friend whom they could procure to do that office for them; nay, they were not permitted to joyn together in devotions in their private lodgings, but each man apart: and if this petty tyrant could have hindered that intercourse which every particular devout soul enjoys with his God, this atheist would have hindered that too. And because the sedentary solitary lives which they led were prejudicial to their healths, they earnestly entreated Ven that they might recreate themselves in the Tennis-court, near the keep, and offered to be at the charges of a guard, if those high walls, and the many guards about them, were not sufficient to secure them; but yet they were denied. Nay, when the sheriff of Sussex was brought prisoner from London to Windsor, very lame, though his chirurgeon offered to Colonel Ven to be deposed, that, on the least neglect, his leg was like to gangrene, yet, after he came to Windsor, he was forced to lie, with the rest of the knights and gentlemen, on the ground many nights; at last, shewing his leg

to Ven, he confessed that he never saw a more dangerous lameness, and promised to acquaint the earl of Essex with it: and the sheriff himself, being acquainted with the earl, presuming on some interest in him, wrote unto him, to acquaint him with his condition, and earnestly intreating him that he might be sent to London, and disposed of, though in a dungeon, for a week, that he might have the assistance of his own physician and chirurgeon, offering to give any security, and be at any charges, to assure him of his safe return, to render himself true prisoner; but neither the sense of his misery, nor his earnest solicitations, could prevail with his excellency. And if the knights and gentlemen, who had money to bribe that compassion which they could not entreat, found no better measure at their hands, what then, think you, were those heavy pressures under which the soldiers groaned? There were in the castle eight poor soldiers, to whom the sheriff of Sussex allowed eight shillings a-week; yet, notwithstanding, because they refused to take the wages of iniquity, and serve under the rebels colours, and fight against their sovereign, they starved them; in so much, that, being released, (that they might not die in the castle,) coming into the air, three of them fell down dead in the streets: three more recovered as far as Eaton, where a good woman, for five shillings a-week, given for their relief by the sheriff of Sussex, gave them entertainment; and when the sheriff made his happy escape, he left them alive."—*Mercurius Rusticus; or, the Countries Complaint of the Outrages committed by the Sectaries.* London, 1685, 8vo, p. 99—101.

Upon the fifth of December, 1642, I was travelling upon the road, about my lawfull occasions, and in my journey towards Newbury, between Henley and Reading, I met with one, whose name was (as after I was informed) Whithead, and falling into discourse, asked him the best and readiest way towards Newbury, which he certified me was through Reading. But I answered him I was loath to goe that way, because of the garrison, and for feare of giving offence. He replyed to me, that, if I pleased to goe that way, he would do me so much favour as to have me through Reading, without any let or stay. I, giving credit to him, went with him into Reading, and set up my horse at the Beare, where we supped together, and there did inne all night. On the morrow, early in the morning, (the aforesaid) Whithead came to my chamber, and certified me, I must goe before the governour, which was Sir Arthur Ashton, (a ranke papist, as I am informed.) Being come thither, there was also Colonel Fielding, which knew me to be a Londoner, and takes me by the hand, and swears he was very glad he had met with me, and so certified the governour that I was as arrant a roundheaded rogue and traytor as any was in England, and one that hath seven hundred men to command at any time, to aid the parliament. With that, the governour, without any further examination, swore at me bitterly, and calls me dam'd rogue and traytor, and with that strook me with his cane on the head, and broke it very sorely, and swore like a mad man that he would presently hang me;[1] and, with a guard of musqueteers, did send me to the gallowes, where I stood some quarter of an houre, expecting death; but such was God's goodnesse toward me, that I was conveyed from thence to prison, whither came the aforesaid Whithead, and, in the name of the governour, took away my moneyes. On the next Lords day, I was conveyed to Wallingford, and, the Wednesday following, to Abington. I being brought before the governour, Lieutenant-colonell Sherly,[2] there being divers cavaliers in his company, and one whose name was Smith, that had the watch that day, he would needs have me to say the Lords prayer over to him; which I refused; yet, to give him satisfaction, I told him, if he pleased to lend me a Bible, I would read the chapter over where that was; but that would not content him: he swore he would lay me, neck and heels, in irons; which to prevent, I addressed to the governour, and said, Sir, I conceive I am your prisoner, and this gentleman hath nothing to

[1] "This carriage of Ashton and Fielding is not to be paralleled in Turkey, or any part of the world."
[2] "A very moderate, civil gentleman."—*Orig. Notes.*

doe with me; and if it be your pleasure to put me in irons, I am content. With that the governour said, You came without irons to me, and without you shall go away: but Smith[1] swore I should not: they swore so long, that they fell to blowes; and by this difference, by Gods providence, I received mercy from the governour.[2] So, the next day, being Thursday, I was convey'd to Oxford Castle. But, to leave my particular sufferings, and come to give you a relation of others, I shall begin with a relation of the usage of the prisoners taken at Malborough, (in the county of Wilts,) by the cavaliers, in their passage to Oxford.

After they had surprised the town, and had taken one hundred and eighty odde prisoners, they drove many of them through the waters, and the first night thrust them all up into a nasty stinking stable, amongst horses, where was one horse dead; there they continued till the next morning, and had no food allowed them; and so drove them, like rogues and thieves, tied together by the armes, in the horse way, up to the knees in mire and dirt, and allowed no food to them, nor suffered no friend to come at them; for a man coming to see some of them, was carried away to Oxon, to prison, with them; and in foure daies time, as they were drove from Malbrough to Oxford, were allowed no food, but only, at Lamburne, a gentleman did provide some for them; but they would scarce give time to receive it; and that was all the sustenance they had in all their passage, not so much as water; for some of them being drie, would faine have dranke of the water in the high-way, but they would not suffer them; nay, they strook many of them over the heads with their canes, for stooping to take a piece of ice, to hold in their mouths, to quench their violent thirst.

On Friday, they came to Oxford; and as they passed through the streets, towards the castle, there was much rejoycing by the inhabitants, scollers, and souldiers, calling them round-headed rogues and traytors, and striking some of them. One passage is worthy observation,—that the lord George Digby[3] and Commissary Wilmot took Master John Franklin, member of the house of commons, and led him away, from all the rest of the prisoners, to a tree, and there swore deeply they would hang him, like a damn'd rogue and traytor, if he would not confesse where his money was. And this is a short relation of these mens sufferings before they came into the castle.

Now you shall know our usage after we were in the castle, under Captaine William Smith.[4] The first night we were put up into the Tower, one hundred and eighty odd; the place being so little, that we were forced to lie one upon another, and were allowed one penny bread a-peace, and a can of small beere, (water was better;) and so for the best part of thirteen, nay some of us twenty-three weeks, were allowed no more; some of us have many times been two daies without any thing at all; so that, by this cruelty, and lying on the boards, many fell sick, and very weak in body, almost all of us like to perish, and end our daies by the bloody flux; and one of us was starving to death: and as this man was drawing on towards his end, Marshall Smith was sollicited, in all the faire waies that possible could be, by the gentlemen and captaines there in prison, that he would suffer something to be provided for the poore man; but such was his crueltie, that he would not; and so the man died.

Some few daies after, he called us to take the protestation,[5] which he stiled the kings: we desired to heare it read over to us; which when we had heard it, we refused it, as being against our consciences; telling him we had taken one already, which was the king and parliaments: He swore at us,[6] and call'd us damn'd rogues and traytors, striking

[1] "This is not Smith the marshall, but a captain of a foot company."

[2] "Who afforded me a good supper and bed, at the provose-marshalls quarter, that night."

[3] "By this you may see how the lord Digbie and the now lord Wilmot loves the house of commons."

[4] "This is not Smith the fencer; his name is Thomas Smith."

[5] "He saies it was a base protestation, onely framed by a company of rebels and traytors, to take away the kings crown and life."

[6] "But he was forsworne; for we shewed him a faire paire of heels."—*Orig. Notes.*

us with his cane, drives us all up into the tower, swearing deeply he would make us take it, or he would make us shit as small as a rat: whereupon he gives command that no body be permitted to come at us to relieve us, either with food or linen, causes a hole to be made up, where things used to be conveyed to us, and confined us to our former allowance; and charge was given, upon pain of death, that no more should be allowed us, or any thing else permitted to come at us; which was accordingly done; for food being sent to us out of the citie by some, he caused his souldiers to take it away, and eat it. Then the gentlemen and captaines imprisoned made a weekly purse for the reliefe of the poore prisoners, (and made[1] Lieutenant W. Dingly steward of it:) which if they had not done, I am very confident we should halfe of us have perished. He causes this to be restrained, and threatens the steward to lock him up close prisoner, if he did after offer to relieve us with bread or beere.

Some small time after this, Sir James Peniman wanting souldiers, they called us downe into the yard; and as we passed through the great chamber, where at least twelve or fourteen gentlemen lodged, and had washed their hands in a bason of water, such was our extreme drought, that we could not be restrained from drinking it, yea, the very raine water that was on the barrels heads that stood in the yard.

There they propounded to us, that if we would take the protestation, and take up armes, to serve in that armie, we should presently be all released. We all refused it. With that Peniman swore at us, and Smith ran after us, as fast as his lame legs would give him leave, drives us all up again into the tower, striking us with his cane, swearing deeply that he would make us take it, or he would make us to shit as small as a rat; and so kept us still to our former allowance.

When they had tryed by all these wayes of cruelty they had, or could extend to us in the castle, then they sought by faire meanes to win us; and Sir James Peniman and Smith calls us all downe into the yard, and there they argue the case to us, and alleadge the Scripture to us, (as the divell did to Christ;) but when they saw that by this they could not prevaile with us, they swore most bitterly at us; and Sir James Peniman swore, God dam me, none of us all did belong to salvation, but were a company of damned rogues, rebells, and traytors, and swore we should bee made to take the protestation, for we should have no victuals allowed us; saying, they that would not worke should not eate; and so we were kept without any thing for a day and above. And to extend his crueltie, and increase our misery, Smith causes us, on Monday,[2] Feb. 6th, to be removed from the castle to Bridewell, to the dungeon, where we were, above forty of us, put down into it, about foure weekes, thronged in so little roome, that wee were scarse able to stirre one by another; the place also being made very noysome, because[3] w eeased ourselves in the same, so that in some place of it we might go over the shoes in pisse and filth.

About a fortnight after we had bin there, a petition that wee had made to the lord-generall of that army, and a letter that was written to London, setting forth the barbarous usage of us by Smith, came out in print:[4] whereupon the generall, as we conceive, appointed commissioners to examine the truth of the things contained in the letter and petition; and on Monday, Feb. 22d, six of us, namely, Edmund Chillenden, Thomas Cheny, Edward Leader, Edward Bradney, William Whitlowe, Joseph Bliset, were, like felons and rogues, brought through the streets in irons, to Sir Jacob Ashleys,

[1] "A lieutenant of horse."

[2] "But after this, fourteen were removed out of the dungeon to an upper chamber, so little, that we could not lie down when we went to sleep."

[3] "There being never a house of office."

[4] "The letter was printed in my name, which is Edmund Chillenden, which Smith would have fathered on mee, but hee could not prove it. But this letter and petition nettled Smith, that he gave the captain and gentlemen a great deale of liberty upon it."—*Orig. Notes.*

where was Dr Reeves, the kings advocate, and two other commissioners, who, instead of examining of us, fell a railling at us, asking us to take the protestation. We answered, we had taken one already, which was the king and parliaments, which wee would maintaine to the last drop of our bloods ;[1] but as for this protestation, we know not what it is, nor whose authority it beareth ; for we know that the lawes of this land provide, that no oath should bee forced on us, contrary to consent in parliament ; which lawes were our inheritance, and therefore wee would defend and maintaine them, as our proper rights and liberties, and no wayes betray them ; or words to this effect. We further said, that, to sweare the earle of Essex was a traytor, or the army under his conduct was raised against the kings, or that the kings proceedings with his army was good and necessary, or whether the subjects of England were bound, or not bound, by the votes, acts, and orders made by the lords and commons in parliament, was a high point, above our capacities to decide, and therefore desired to be excused from taking that oath, conceiving that we must not sweare upon doubts and questions, but in judgement, righteousness, and truth. Smith he cries out, Harke, harke, they are a-preaching. We then complained to them of our ill usage, and told them it was the way to starve us, and that many of us were sicke in the dungeon, and desired they might bee removed where they might have more aire; and wee said wee hoped that it was not the king's will, nor the counsell of wars pleasure, thus to destroy us. But Dr Reeves told us, in plaine termes, that it was the kings mind, and counsell of wars pleasure to destroy us, and took his spectacles,[2] and looked on us, and said, we looked as fat as conies ; and so we were sent backe againe to the dungeon ; and those that were sicke grew weaker and weaker ; so that one eased nature as he lay,[3] and another was troubled with continuall vomiting: those things were grievous to us, they being done in the place where wee all were. When Smith came to Bridewell, we complained to him of it, and desired him that they might be removed where they might have more aire, and have some comfortable thing made, and permitted to come to them, or else they would not live long. He cald us, if we would take the protestation, we should have any thing we desired ; but if we would not, if wee all died hee did not care,—wee were our owne murtherers ; and did not permit any thing more to be allowed, save our former allowance ; not any friend, no not our wives, to come to see us, or any to have our shifts washed : nay, hee put the man that dwelt in the Bridewell in prison, in the castle, because he had meat a-boyling over the fire for his owne dinner ; and all Smiths men came, and eate up the mans meat; so that by his cruel usage, the afore-named Giles Carter ended his daies in great extremity.

We, seeing this, conceived in ourselves, if wee staid here, there was no way but of death and perishing, did, with one consent, resolve our selves of this extreme misery ; so we, with our knives, and the hooke of a doore, made a hole through a free stone wall, above a yard thicke, and so all that were well went forth, which was about forty, whereof four were taken againe, and six was left sicke in the dungeon ; which six (when Smith knew the rest were gone) laid in irons, when we were so weake as not able to stirre ; and so kept us till Thursday or Friday, having nothing to comfort us but water ; and then wee were removed to the tower in the castle againe, whcre, in the roome where we were put, was about sixty men, and many sick of the small pox, so that the place was very unwholesome and nasty, and there allowed us one penny bread, and a can of beere.

I come now to relate to you some other of Smith's tyrannicall and dishonest practices.

When Marlborow men were sick, Smith gave to one Mr Betterise, a chyrurgion of

[1] " I making this question, because it was I that spake for all of us. They told me that I should, of all the rest, bee hanged, saying,you are a peremtory rogue indeed."

[2] " But the doctor hath forgot his spectacles would multiply."

[3] " Namely, one Giles Carter and Caleb Selfe."—*Orig. Notes.*

Oxford, 5*s*., to provide some hot and comfortable things for the sick prisoners. Mr Betterise laid out some of the money presently. After this, meeting him in the street, demanded his money of him, and threatned him, if he would not give it him; so Mr Betterise gave him all his 5*s*. againe, though he had layed out some of it before. This Mr Betterise did use to come at first into the castle to dresse the wounded prisoners, and by that meanes knew the disease of the sicke prisoners, did say to some neighbours of his, that they were spoil'd for want of water; and so indeed they were; for we had no water sometimes in two dayes time. Smith he heares of this, and meeting with Mr Betterise, put him in prison in the castle, for so saying; but was, within a short time, by Sir Jacob Ashley, released out of the prison, but by Smith commanded to come no more to dresse the wounded prisoners.

About this time there were some prisoners brought in, which were taken at Banbury, and amongst them was one that was wounded in the head with a pole-axe. Smith was, by the gentlemen and captaines, in all the faire wayes, intreated to let a surgeon to come in to dresse him: He would not permit any to come, so that this mans wounds festered and stuncke, and in a short time hee ended his dayes in great extremity.

There also being in the tower many prisoners, and they having had no water in twenty, nay forty-eight houres time, knockt for water. Ockdon, the captaines man, came and told them hee could help them to none, (though the river runne by the doore.) They, being dry, knocked again: Smith came himself, and said, I will give you water; caused three or four of his men to come arm'd, to guard his person, and cal'd down one that was my lord Saies miller, and layes him in irons, neck and heeles; and one Sergeant Wallis, he canes him at least sixty blowes over the head, and wounds him very sorely, that he hath lost one of his joints; and after this layes him in irons, twenty-eight pound weight, neck and heeles, and so keeps him forty-eight hours in a nasty dungeon, without bread or water, or any other sustenance; and caned Lieutenant Whitehead, and layd him in irons; and, to colour over his tyranny, commands his men to say they made a mutiny.

There was one Mr Freeman, a constable neere Banbury; Smith cals him to take the protestation; he refuses it: Smith said, if hee would not take it, hee should go up into the tower: hee said, that was the worst he could doe to him. Is it, says Smith, you damned rogue; and striked him with his cane, swearing bitterly at him; laied him in irons, neck and heeles, set him on a cold stone in the yard, takes away his coat from him, sets a sentinel over him, so keeps him three or four daies, in the winter time, without either bread or water, or any other food. This Freeman was also removed to the dungeon of Bridewell, where he escaped to his own house, and there was taken againe, and brought into the castle. Smith layes him in irons; and so he ended his dayes also in great misery.

The same day, he called down one of Marlborow souldiers, and offers him the protestation: the youth refused it. Smith sweares at him, and beats him with his cane, layes him, neck and heeles, in irons, puts him in a dungeon, set a sentinel over him, so keeps him till he had forced him to take the protestation, and allowed no food to be given him.

There was one Mr Wierby, a minister, and one Mr Price, and one Mr Selven, that did refuse the protestation: hee strikes them, and breaks their heads, makes the blood run down their eares, and sends them to the dungeon in Bridewell.

There was one Mr Edward Bradney, that had a man exchanged for him, yet had not his liberty. Smith told him, if hee could get 10*l*. to pay his fees, hee should have his liberty. Mr Bradney got 5*l*. told Smith, I have, 4*l*. 10*s*. Smith said he would not take that; so Mr Bradney was putting up his money againe: Smith snatches his money from him, and said, I will keepe this in part of payment; so took away foure pound, and kept the man in prison six months after; first in the tower, then in the dungeon in Bridewell, where hee escaped, but was taken again. Smith laid him in irons, hands and feet, and so keepes him about eight weekes. By reason of this cruell usage, he fell

very weak and sick; and in his sicknesse he would not suffer any body to come to helpe him in his great extremity, so that for three weeks he lay in his own dung and pisse, and so, by a long and languishing disease, being pined to nothing, in a great deal of woe ended his dayes.

There was one Richard Cawdle, and one Robert Neale, that escaped out of Bridewell, and were taken againe: he burnt them with match, between the fingers, to the bone, and laid them in irons, hands and feet, suffers no surgeon to come to them; so keeps them eight weekes; and they both, in this extremity, ended their dayes in much misery.

There was one Andrew, of London, who came to Oxford, and being brought into prison, Smith himselfe took 23*s.* out of his pocket, and kept him there a short space, and then turning him going, but never gave him his money.

There was one Mr I. A., the lord of Douns man brought in for a spie; he tooke the protestation, and was by Smith released, paying 50*s.* fees; and hee comming into the castle to see a friend, Smith would not let him goe till he had paid him 50*s.* more.

There was one Mr Wilde, a minister, a malignant, committed to prison, who lay there seven daies, and paid Smith 3*l.* 10*s.* for his fees.

There was two Londoners, Mr C. Mr M., that tooke the protestation, that paid Smith 20*l.* for their fees.

There was one William Burthen, a constable, that tooke the protestation, and was by Smith released, paying 4*l.*; but he afterwards heard he was a rich man, got him in prison againe, and there keepes him, to make him pay 60*l.* more; and did not let him goe, till hee had paid him 20*l.* more.

There was one Mr Ad, of London, prisoner: Smith tooke 5*l.* 10*s.* out of his pocket, and never gave it him more.

There was one Mr W. B., a gentleman whom the bishop of Armagh [1] perswaded to take the protestation: hee was released, paying 20*l.* fees: Smith gets him againe, and keeps him prisoner, till he had made him pay, or given him bond for 30*l.* more.

He also got a bill of exchange for 30*l.* from Captaine Wingate and Captaine Austen; but he hath not yet paid them, though he hath bin often asked for it; and Captaine Austen asking him for it, Smith gave him very opprobrious words, calling him shitten prentice boy, and threatned to lay him in irons, neck and heels.

There was one Dr Claiton, doctor of divinitie, of Waltomstow, in Essex, (as he himselfe said,) who was taken at Branceford, and carried to Oxford prison, who, lying there in great misery, did endeavour to make an escape, and getting over a wall, fell downe, and broke his neck.

Captain John Lilburne, he kept him in irons nineteen or eighteen daies; and since he being very sick, even to death, yet would not permit any woman to come to look to him in his sickness.

Captaine John Franklin, and Master John Brown, gentleman, he ironed together, and so kept them a good while; and since, Captaine John Frankling is dead.

Master William Dingley, a lieutenant of horse, he laid him in irons, and so kept him eight or nine weeks. He kept one Master Andrew Ellis (one of my lord-generalls life guard, a gentleman of the innes of court) in the tower amongst the common prisoners, and made him to lie on the boards.

Master John Frankling, member of the house of commons, he hath most basely abused, and calld him rogue and damn'd traytor, yea, stinking fellow, and took him by the shoulders, and thrust him into a little chamber, saying to him, you are a damn'd traytor, and I will use you like a traytor; locks him up close prisoner, and gives the key to one Bradshaw, [2] that was a cavalier in prison: and Smith, on purpose, set on this Brad-

[1] "You may see, by this, that if there be any villany to be done, a bishop is at hand to act it."

[2] "This Bradshaw being sick, did confesse."—*Orig. Notes.*

shaw, and one Captaine Cew, one of the cavaliers, an Irish papist, to drinke healths and carrouses in the roome with Mr Frankling, to abuse and torment him; and hath ever since kept him close prisoner. And Captaine Walton, Captaine John Lilburne, Captaine Vivers, Captaine Catesby, Captaine Scroope, Captaine Auston, Captaine Lidcot, he hath kept them all close prisoners, for the most part of their time, and seldome would permit their friends to come to visit them, no, nor their wives to see them.

Yea, he hath taken away the beds from the captaines, and made them to lye on the cords, and, against their wills, placed some of the cavaliers in them.

As for Captaine Wingate, he hath alwaies kept him close prisoner alone, without any company, not suffering him to conferre neither with men nor books, nor permit him to have a Bible, only when Blage was hanged. Master Harfeild, minister of Banbury, and he was in one chamber; and Smith had layed this reverend minister in irons, hands and feet; and after that Blage was dead, brought his body, and threw it into the roome where Captaine Wingate and this was, and so locked them up all three close prisoners: and many times Smith hath kept those that have died so long, that they have stunk like to poison them, nor would not carrie them away, till the prisoners were constrained to pay for their buriall. He would not suffer Captaine Wingate to walke in the garden, for his health sake, notwithstanding the kings mind was that he should, as hath been in my hearing declared by the lord of Craford.

As for Captaine Clifton, Catesby, and Captaine Vivers, they being in Banbury, his majesty was pleased, by his herauld of arms, to declare, that if they would come and yeeld themselves to him, they should have a free pardon; the which they did; and had also the lord-generalls word, on his honour, to confirme the same: yet, after this, they were brought to Oxford prison, and by Smith kept there, and were, before the lord-chiefe-justice Heath, on oyer and terminer, arraigned for their lives: Whereupon they both of them made a petition, declaring his majesties act passed to them; which was acknowledged by the generall, as appeares plainly by the answer of the petition: [1] and thereupon order was given, they should be released; yet, notwithstanding, Smith kept them in prison close; and, by his ill usage, Captaine Catesby is since dead, and Captaine Vivers hath bin almost at deaths dore, and is yet prisoner: Therefore it behoves the king and the generall to vindicate their honour, by executing justice on Smith, for thus grosely abusing the king and the generall.

He hath kept many in prison (after they have been pardoned by the king, and have taken the protestation) for excessive fees.

But, to let all the world see he is a knave in all respects, and to all persons friends and foes, he hired a priest to preach in the prison; and this priest was as base as Smith himselfe, and would raile against the parliament and the citie of London, as loud as Smith; yet when this priest came to demand his quarterage of Smith, he, to save his money, and deprive the priest of his due, calls him all to naught, and saies to him, you raile against the parliament; you shall have quartering; and so claps irons on the poore priest, that he was glad to loose his money to be rid of his irons; and so he serves all his men, when they aske him for money. Now, let all the world judge whether it be for a kings honour to have such officers. [2]

And further to set out his base dissimulation, when the commissioners from the parliament are in Oxford, then to make the matter faire, as if he were a stranger to a tyrant, he will let the gentlemen and captains have liberty to walke in the garden, and suffers their friends and wives to come to them; but as soon as ever they are gone forth

[1] "The petition I have seen, with the answer, but as yet cannot procure the copy of it. He would not release Captaine Catesby, because he would not pay him £200 for his fees: and so also he did by Mr Harfield, minister of Banbury, and so by Captaine Vivers. I do not believe any of them committed any fault deserving any pardon; but this I say according to their proceedings."

[2] "By this it is clear that the parliament is not in the least mistaken, in saying the king is kept and invironed in by rogues, knaves, and theeves."—*Orig. Notes.*

from the city, he locks them up close prisoners, and debars all friends, yea, their owne wives, and, though they be sick, will not suffer them to come to helpe them in their extremity, nor no phisitians, but whom he will appoint; which, for ought any knowes, may poison them; for, in a short time, there hath died of these gentlemen, Captaine Lidcot, Captaine Fleminge, Captaine John Frankland, Captaine Gastrill, Captaine Stevens, junior, Captaine Stevens, senior, Captaine Plaier, Captaine Austen, Captaine Caseby, Lieutenant Flower, Master Witman, merchant of London, Mr Herfield, minister of Banbury, old Thomas Web, and three more clothiers of Glocestershire, and four more common men, which are before mentioned.

There was a clothier of Glocestershire which was released: Smith got him againe, and kept him in prison, to make him pay a great summe of money; and there the man ended his daies.

A True Relation of the taking of Cirencester, and the cruell Dealing of the merciles Cavaliers towards the Prisoners they there took in their Passage, as they went to Oxon, and at Oxon.

The following is Clarendon's account of the taking of Cirencester, in which he seems to admit a part, at least, of the charge of licence and inhumanity brought against the soldiery of Prince Rupert.

"In the beginning of February, Prince Rupert, at one and the same time, storming the town in several places, their works being not yet finish'd, though pertinaciously enough defended, enter'd their line, with some loss of men, and many hurt, but with a far greater of the enemy; for there were not so few as two hundred kill'd upon the place, and above one thousand taken prisoners; whereof Warneford and Fettyplace, (two gentlemen of good quality and fortune near that town, and very active in the service,) Mr George, a member of parliament, who serv'd for that borough, and two or three Scottish officers of the field, whereof Carr, the governour, was one, were the chief. The town yielded much plunder, from which the undistinguishing soldier could not be kept, but was equally injurious to friend and foe; so that many honest men, who were imprisoned by the rebels for not concurring with them, found themselves at liberty, and undone together; amongst whom, John Plot, a lawyer of very good reputation, was one; who, being freed from the hard and barbarous imprisonment in which he had been kept, when he return'd to his own house, found it full of soldiers, and twelve hundred pounds in money taken from thence, which could never be recover'd. The prince left a strong garrison there, that brought almost all that whole county into contribution, and was a great enlargement to the king's quarters, which now, without interruption, extended from Oxford to Worcester; that important city, with the other of Hereford, and those counties, having, some time before, been quitted by the rebels; the earl of Stamford, who was left in those parts by the earl of Essex, being called from thence, by the growth of the king's party in Cornwal, to the securing the west."—CLARENDON, II. 97.

UPON Thursday, the second of February, 1642, Prince Rupert, with a great company of his cavaliers, came before Cirencester, and there, after an hot skirmish, they being valiantly resisted by about 400 of my lord Stamfords blew coats, and Captaine Wallingfords dragoons, there being in the town not above 500 souldiers, with the trained bands and all, yet such was the cruelty of the cavaliers, seeing my lord Stamfords blew coats thus valiantly resisting them, and in their resisting slew many of them; so

that thereby they were much enraged; insomuch, that they set on fire a barn, and some houses and hay ricks, which did much anoy our men, who had overtoyled themselves with resisting them, not being relieved by the trained bands which were in the towne; and by this means were forced to retreat into the town, the cavaliers pursuing them; and so surprized the towne; and after they had given them quarter, because they had slaine none, before they murthered many of the inhabitants, about twenty persons or more, [1] and most of them were malignants against the parliament.

After they had thus taken us, we were led into a field about half a mile from the towne, where the chiefe commanders were, that they might take a view of us, who threatned to do execution upon us all; and there the common souldiers stript us, and wounded many of us, and then drove us back to the church in Cirencester, where we remained almost two whole daies and two nights; in all which time they allowed us no sustenance wherewithall to live, till, just as they drove us towards Oxford, they gave each of us a small piece of bread and cheese, and then bound us all with match, and so drove us along, without stockings on our legs, or shoes on our feet, or hats on our heads, many of us having no dublets, and some gentlemen of good quality without breeches; and so we came to Burford hill, where the cavaliers gave each of us a little piece of bread; which was all the reliefe they gave us in our way between Cirencester and Oxon; and for this we waited a long time upon the hill, the wind blowing very cold, and we standing barefoot and bareleg'd in the snow. Then we came to Witneigh, where we lay in the church, and from thence were drove towards Oxon; and about a mile from the city, his majesty, with the prince and the duke of Yorke, came thither, to see us drove along, more like dogs and horses then men, up to the knees in mire and dirt, along the horse-way; and abundance of the scollers much rejoycing at our misery, calling and abusing us by the names of damned rogues and traytors.[2] And when we came to Oxon, we were put altogether in the church, and there we received, for the most part of us, a piece of bread that night: the next morning, they seperated the voluntiers from the trained bands, and cruelly used us, to force us all to take the protesta ion, and take up arms for them, against the parliament; for they allowed us but one small piece of bread, and a can of beere, a-day, and would not allow us to have a draught of water to drinke; we offering to pay money for it, yet wee could not obtaine it: by which cruell usage they forced the most of them to take the protestation, that, of eleven hundred and sixty-six prisoners, there was but sixteen that refused it, that they had scraped about the countrey for; for they brought old almesmen, about three or foure score year old, and lame cripples from their mother's womb, blind men, and all, to make up the number of a great many prisoners; they not only forcing them to take the protestation, but afterwards fined them beyond their estates, and drove them to other desperate courses; so that one cut his throat: he not dying presently, was asked the reason

[1] Let all malignants take notice, that, notwithstanding they love them and their cause, yet, where they get the victory, they will make no difference between a malignant and an honest round-head.

[2] Whitlocke gives the same account of the inhumanity exercised towards these unfortunate prisoners.

"A few days after, Prince Rupert, with 4000 horse and foot, marcheth to Cirencester, where the magazine of the county lay: this he took, putting the earl of Stamford's regiment and many others to the sword: took 1100 prisoners, and 3000 arms.

"These prisoners were led in much triumph to Oxford, where the king looked at them, and too many smiled at their misery, being tied together with cords, almost naked, beaten, and driven along like dogs.

"Among them was a proper, handsome man, of a very white skin, where it could be seen for the blood of his wounds: he not being able to go, was set naked upon the bare back of an horse, his wounds gaping, and his body smeared with blood; yet he sat upright upon the horse, with an undaunted countenance; and, when near the king, a brawling woman cried out to him, 'Ah, you traiterly rogue, you are well enough served:' he, with a scornful look towards her, answered, 'You base whore,' and instantly dropped off, dead, from his horse.

"And the beginning of such cruelty, by Englishmen towards their countreymen, was afterwards too much followed."—Whitlocke, p. 64.

why he did so: he answered, he was so hungry, that the devill tempted him to cut his throat, to be out of his misery: And divers others of them fell weake and sick, and were sent to Bridewell, where they died two or three in a day; and one man drawing on towards his end, I and Edward Leader, and another, had opportunitie to speak unto him, and we asked him what he thought of his last end? He said unto us, and fetched a great sigh, he could have both said and thinked more, if he had refused the protestation, and kept close to Christ, and so departed. Whilest they continue in the churches, we, that were in the dungeon, hearing they wanted bread, gathered seven shillings amongst us, and gave it the woman of Bridewell to lay out in bread for them; which she accordingly did, and went to the church to give it them: but such was Smith's cruelty, as that he would not permit it to be given them: so it was returned to us again: and those of them that refused to take the protestation, he beat and abused, tying some of them neck and heels, and others he sent to the dungeon; others he brought into the castle, where we were made to stand in the cold yard all the first day in the snow; then, at night, we were put into the hall, where we continued three or four daies, without receiving any allowance from them: whereupon we asked Captaine Smith for some allowance: he then giving us bitter words, and swore at us, bid his man give us so much bread as he would give a dog a-day, and for water let them lap in the yard, and be hanged, or poxt, for a company of damn'd rogues dogs; or to this effect.

Then, after two or three daies, he allowed us half a penny loafe a day; but we had no water to drinke in two daies together. Then we were put up into the tower, and there we were allowed a penny a-day in bread, and a can of beere, which was the best allowance that ever we received from them, lying for the space of fifteen weeks on the boards; and by reason of this hard usage many of us fell sick, which drove us to call from the tower for more reliefe: whereupon he strikes two of us with his cane over the head, and layes us, neck and heels, in irons, and kept their allowance from them: and since the parliament hath sent down 100*l.* for the reliefe of the poor prisoners, he ever since kept away the king's allowance from us.

The Copy of a Letter, written from the Castle at Oxon, by a Gentleman in Prison there, confirming the former Particulars.

Noble Sir,

I cannot but take speciall notice of your respects manifested unto myselfe, and all the rest of the gentlemen my fellow-prisoners, in so kindly writing unto us, and sending to see how it faires with us; which, true it is, there came once a trumpeter of Captaine Lidcots about the exchange of his master for another, and for his paines he was clapt up prisoner with his master, and kept there, by Captaine Smith, till such time as he could conforme unto Captaine Smiths will and pleasure, and take a new protestation, and serve in the army, which is called the kings: and his captaine hath here since, with five more, in fourteen daies, ended his daies, in a great deal of misery and woe. In the last letter which I have seen, though the bearer was not permitted to come in to us, you let us understand of that courteous and noble usage the gentlemen that are prisoners with you find at your hands, and you tell us that you are sorry to hear of our hard usuage, which you hope is not so bad as the report goes. Truly, let me say thus much, in briefe:—From my very soul I doe believe that the barbariousnes inflicted upon the poore gally-slaves in Turky cannot parallell those inhumane cruelties which abundance of poore men have undergone from the hands of Smith himselfe; the full particularising of which, I am confident, will fill divers hundred sheets of paper, to make a second book of martyrs, with more sadder stories then are to be found in Queen Maries cruelties: a little touch of some part of which you may read in the relation

of one Master Wierlay, that broke prison here, and in the letters that divers others put out in print,[1] and a little more of which you will heare in the relation of one Mr Chillenden, who, with eighteen more, broke prison here foure nights ago; for I believe that he will make a declaration to the world. We have from time to time complained to our friends at London, which have hitherto hoped that letters from the gentlemen to the court, of the good usuage of the prisoners with them, would have prevailed with his majesty, and the generall here, to purchase the like for us; but, alas! it is in vain. We have petitioned his majestie and the generall, and articled against Smith, for trancendent cruelties, but we never could have hearing, by reason of the potency of his friends, and those damnable oaths that he has swore against us, to which there is no more credit to be given then to the divill, and those wicked lies that he hath told, and those false reports that he hath raised on us, and filled the court full of strange and unheard-of matters, that never entred into our hearts to thinke of, much lesse to plot; and those be his usual practices and evasions when we complaine of him; so that our struggling and complaining hath done us rather more hurt then good, because our friends in parliament hath not taken the right course to deal with their prisoners, as we have been dealt with; which if they had, they themselves, I am confident, would, long ere this, by their importunate desires and informations to his majestie, have eased us of Smith, and purchased more liberty for us; so that this is our last refuge that we have to betake us to,—to presse our friends immediately to get all their prisoners of quality clapt up close prisoners, as we are, and used in some reasonable proportion to what we are here; and if this be not speedily done, I doe verily believe, they will scarce see the face of one man in ten of us; for, so neare as I can judge, Smith, with more than pagan-like cruelty, hath already murthered above forty men, yea, above sixty men, in this house, the blood of all which he is guilty of; for his starving, beating, fettering, clapping head and heels together, close imprisoning, and other bad usuage, hath already brought the plague amongst us; and two poore men in the tower lie sick of the plague sores, as the chyrurgeon avers: yet, in this great extremity, will not let the heavy-hearted wife come relieve and nourish her sick and distressed husband; yea, he hath clapt a chyrurgeon in prison, for comming to dresse the stinking putrified sores of the wounded and diseased: yea, and the poor people that dressed our diet, and washed our linnen, are not permitted to come unto us; yea, and though Captaine Scroope, a gentleman of quality, be very sicke, yet will he not suffer his apothecary to come to administer any thing to him.

But the saddest story, of all the rest in this house, might bee made of one Mr Edward Bradneys sufferings, who was an honest Warwickshire man, who hath laid a long time in languishing death, first in this castle, then at Bridewell, and almost ever since they broke prison there, in fetters of iron, who died yesterday, whom all the gentlemen in the house, neither for love nor money, could not intreat Smith nor his lieutenant (who is growne as bad as himselfe) to let us have, for our money, any poore woman to looke unto him; so that he was forced, for three weeks together, to lye in his own dung and pisse, and never was made cleane all that time but once, as those that were neerest unto him have for certainty informed me; so that they that lay in the roome with him, and next unto him, have beene allmost poisoned with stincke by him: yea, though the poore prisoners, many of them, be almost spent in watching with their fellow dying prisoners, yet the inhumane lieutenant, the other night, threw stones in at the windowes, in a roome where foure lay sick, because the poore watching men had but a faggot burning, to refresh them, and a candle burning, to see to give them drinke, and such things as they had for them.

I rest your servant.

Oxon Castle, May 26, 1643.

[1] The prisoners report, in a letter, intituled, A true Relation of the Usuage of the Prisoners at Oxon.

The true Copie of a Petition and Articles, which the Captaines and Gentlemen in Prison preferred to his Majesties Privie Counsell, Commissioners, and Counsell of Warre, against Smith.

To the Right Honourable the Lords of his Majesties most Honourable Privy Counsell, the Commissioners, and the Counsell of Warre assembled in Oxon, the most humble Petition of some Prisoners in the Castle at Oxon, whose Names are hereunto subscribed.

Sheweth,

That we presume, not from any forgetfullness of our sad condition, being prisoners under his majesties high displeasure, and the inseparable consequents therewith, which, in all humility and sense of sorrow, we both apprehend and submit unto, or out of any unquietnesse of disposition, to encrease trouble to your lordships, to interrupt your great affairs, which we most humbly crave pardon for; but the long and still daily ill intreaty we all receive under our keeper, the provost-marshall-general, Captaine Smith, is so exorbitant and intolerable, as, upon the reputation of gentlemen, we professe, that a faire passage out of this world will be farre more welcome unto us then such a life. A particular of some of his actions, we, in all humblenesse, (as your lordships shall vouchsafe to signifie your pleasures,) desire to present unto your lordships, beseeching your lordships to take them and us unto your grave consideration, and to shew your petitioners such favour and relief therein, as your lordships shall thinke meet.

And we shall daily pray, &c.

Some Particulars of Captaine Smith, his Cariage towards his Prisoners.

1. That we are, many of us, close prisoners, and some in irons, and other gentlemen in the tower, amongst the common prisoners, and have been strucke by Captaine Smith.

2. That we are by him lock't up into our chambers, and debarred the use of pen, inke, and paper, and the converse with any, having sentinels set at our chamber-doores, some of us denyed the comfort of speaking with such as come from, and returne unto our wives and dearest friends.

3. That we have suffered much for necessaries; and many of us are lousie.

4. That he doth frequently reproach and provoke us with very base language, calling Sir William Essex old doting foole and asse, and swore that he would lay him head and heeles together: that he hath suddenly, in great rage, come unto the captaines and officers, in the presence of divers strangers, and his owne servants, no offence that we know being given, or by him expressed, and swore that he would lay the proudest of us neck and heeles, and that hee spake it to them all in generall, or to any of them in particular; and challenged them now, or at any time hereafter, if they were at liberty, to justifie it upon them, that he has called some of the captaines boyes, and other gentlemen jackanapes, rascalls, and fooles, and that he would whip their arses, and lay them in irons, in the tower.

5. That when his prisoners have had no relief in 24 houres, and have earnestly begged for water, and bath, with all possible respect, been desired thereunto, he hath violently fallen upon them, knocking of them downe, and beating of them, in as much as some of their limbs are likely to be lost thereby; calling them curs, and protesting that he respected dogs more than they, some of them being officers; and after such beating, being cast into irons, head and heeles, all night, for no other cause then for asking a little water in such extremitie, for want whereof they have beene in such necessitie, that they have beene constrained to drinke their owne urine.

6. That he, (as we humbly conceive,) for his owne private respects, most injuriously cha ges his prisoners with plots and conspiracies, and hath taken great summes of money of them for fees, and detained some of them in great extremity, even to the prejudice of their lives, onely for unlimited fees, unto their utter undoing.

7. That whereas his majestie, out of his great mercie, is most graciously pleased to allow his poore prisoners sixpence a man *per diem*, yet they received hereof but five farthings a-day, whereby many of them had been starved, had it not bin for the reliefe of some other prisoners, who made collection for them : and that Captaine Smith his servant Rich hath gained two shillings out of every five thus collected for the relief of the poore prisoners; and the said Rich, by the allowance of his master, selleth beere at an excessive rate, to wit, that in a kilderkin of five shillings, he hath gained six or seven shillings.

8. That Captaine Smith, as he said, came with an expresse command from the king to some of his prisoners, and told that his majestie himselfe commanded him that the gentlemen should have onely bread and water, untill they had paid Mr Fisher's bill, of one hundred and fifty pounds, or there about,—a bill that hath caused much difference betweene Mr Fisher and Captaine Smith; consisting of Captaine Smith his servants; of seven pounds spent by him in wine ; a bill of the diet of the servants and prisoners, when sometimes they were in number sixty, seventy, or eighty, one day more, another lesse, which made it a confused bill and reckoning; and did not at all, as we humbly conceive, concern any of us; wee having agreed, and Captaine Smith promised that we should have a twelve penny ordinary; which we never refused, but was alwayes ready to pay, those that had money, and the rest to give the best assurance they could for it. And because this one hundred and fifty pounds was not presently paid by some few of them, they were locked up close prisoners, and sentinels set on their chamber-doores, to see that they received nothing but bread and water, which Captaine Smith swore was the king's expresse command; but he said, he would allow them bread and beere.

This petition was exhibited about Allhollantide, 1642; but, by reason of the potency of his friends, we could never have any hearing, though, since that time, wee have preferred many other petitions.

Here you have seene a glimpse of Smith's tyrrany, but to repeate all his cruelties, with his cozenings and cheatings, and the circumstances about him, would make a volume of many sheets of paper; but by this all the world may see how the king is wounded in his honour by such base Egyptians, that care for nothing but their own base and by-ends; therefore those great friends of Smith, that have borne him up, and stayed the prisoners off from being heard in their just and lawful requests, whereby they might have been righted, and Smith have received justice, according to his demerits, may be ashamed to possesse the king, and say they are his friends, when, indeed, they are his utter and onely enemies, that doe all they can to staine him in his justice and honours; therefore, I hope that now they will see their error, and the king and lord-generall of that army will vindicate their honours, by doing justice on Smith; which if they doe not, it will lye as a blot on them to all posterity: and if his majestie please to grant to mee, and other witnesses against Smith, his safe conduct and protection, I will prove it to him, as I have already here, all these particulars upon oath, *viva voce*, and many others.

For since Captaine Wingates, that honourable and faithful gentlemans escape, a b ut it Smith was in trouble; but was no sooner restored again to his place, but he againe begins to play the tyrant: Hee and his lieutenant falls upon some of the gentlemen, and wounds them, likely to kill one Lieutenant Fuller, and after that layes him, necke and heeles, in irons; and another captaine hee wounds him sorely, and puts him into the tower, and lockes all the rest close prisoners; and sweares that he would lay Cap-

taine Lillburne in irons, because he did looke out of his chamber window, he having beene sick, to take the aire; because hee saw him play thus the tyrant: and thus bee his usuall practices, that men were better be out of their lives, then come to be under his custody: therefore I hope all the men of our army will fight it out to the last, and not suffer themselves to be taken, but die rather, like men and brave souldiers, then to be by him starved, and stuncke to death.

It will now bee looked for, that I should relate the manner of Captaine Wingates and my owne escape. Thus much in brefe:—that God, in his due time, was good to him and me, and to many more, all the while hee and I was under this misery, to support us by his strength, and also, by his wisdome and power, at last perfectly to deliver us. But to relate the full particular remarkable providences of God to Captaine Wingate and to myselfe, and the rest that did escape, would be too tedious; but this we say, and wee speak the truth, God also bearing us witnesse that we do not lie, that by many hard and difficult waies we escaped, God going along with us apparently; which Captaine Wingate desires, and myselfe also, and all the rest that did escape, that the sole and onely honour, glory, and praise, may be given to God.

And so desires your friends and poore brethren, in the defence of the house, to the last drop of their bloods,

EDMUND CHILLENDEN.

Thomas Cheny.
Edward Leader.
William Gough.
William Whitlow.
Thomas Chamberlaine.
William Briant.
All sworne before the lords assembled in parliament.

Joseph Bliset.
Daniel Ashton.
Christopher Weekes.
John Allen.

Witnesses not sworne.

To the Honourable William Lenthall, Speaker of the Honourable House of Commons.

Noble Sir,

THE grievous burthen of miserable thraldome which we in captivity now groane under, presents itselfe to yourselfe, to your serious consideration, relying on your favour and compassion for speedie redresse. We had not thought that ever we, who have adventured our lives and fortunes to maintaine and preserve the true protestant religion, his majesties person and just prerogative, the lawfull liberty of the subject, and the just priviledges of parliament, should be so soone obliterated out of your memory, and left to the more than pagan usage of tyrannicall and mercilesse men. We are not onely deprived of the society of our friends, of pen, inke, and paper, but what we have by stealth, whereby we might acquaint some of our charitable friends of our languishing condition, but we have no allowance from his majesty, ever since we came in, and but small allowance from the members of the house of parliament here with us, because they cannot get money in the towne, nor, if they could get it, will Smith, the marshall-generall, suffer it to be brought into them; so that we are bereaved of almost all the meanes of livelihood; for when we have been ready to faint for want of water, to satisfie our languishing thirst, having not a penny to buy us beere, the said Smith hath taken the keyes from his man, who was about to fetch us the water, layde him in irons, vexing him very much, for that he assayed to doe us that curtesie, afterwards tooke off his cloathes, and turn'd him out of doores. And when some have asked him whether his majesty allowed us any thing as prisoners, hee hath after a most ignominious manner reviled us, giving us no better termes than rebells, traytours, and parlia-

mentary rogues; saying, eat stones, yee round-head rogues, and bee hanged; in like manner threatning all of us that will not take their soule-condemning protestation, to take up armes, and joyne with them against the most honourable court of parliament, and my loving generall, his excellency; and likewise goe to erect their bulwarkes; which if any refuse to doe, he is immediately cast into the dungeon, laid neck and heeles together, with bolts of five-and-thirty pound, permitting none to administer him any comfort; which cruelty, with abundance of menacing words, having no hope of intermission of this insupportable burden of misery, hath struck such terrour in the hearts of many of the prisoners, that they have taken their protestation, and engaged themselves to serve as afore; which hath cost many poore prisoners their lives; whose blood will one day be enquired after, at the hands of those who were the efficient causers thereof: yea, even the parliament-men themselves, here with us, have been so restrained of their liberties, that they have been lockt up, and confined to stay in their chambers for three or four days together, and not suffered to have any communication with the other captaines, their fellow-prisoners; neither have had meat, drinke, or water, but what hath been conveyed to them by stealth; and have been enforced to ease nature, and throw it out of their windowes;—and all this because they have endeavoured for relieve; by meanes whereof, Master Franklyn, a parliament-man, now lies a-dying. And that which more augments our grievances is, that we are not onely confined to lye on the bare boards, on the tables, under the tables, on the chymneyes hearth, nay, on the very stayres, and sometimes on the top one of another; whereby is bred such a noysome stinke, that it infecteth very many with the pestilent feavour, and other very dangerous diseases; there being, at this instant of time, about twenty persons infected amongst us, and, in our judgment past recovery; the disease being so violent, that it quite bereaveth them of their senses. In this deplorable condition, we beseech you, thinke on some meanes to revive our dying, nay, almost dead spirits, that wee may once againe injoy our freedome, which we have been so long time bereaved of, or take such course with the best of them which you have prisoners with you, to keep them short, and barre them of their liberty, as we are, to the end that they may with more earnestnesse sollicite their friends, and negotiate to procure their inlargements, by exchanging of us; for we are credibly informed, and do believe it to be true, that they have so much libertie and favour in London, and elsewhere, that they need not care much for their imprisonment. In a word, if we are not speedily exchanged, or some course taken for our better usage, which now is insufferable, many amongst us, we feare, will change themselves from being our friends, and become our enemies, and be as active in tyrannizing over us as any that have been forced to apostatize from us. Wee beseech God so to direct the powers of your minde, that you may, with all sedulity, importune and direct in our behalfe to the most honourable court of parliament, and then we doubt not but God will blesse your and our endeavours, to whose protection we commend you, and remaine,

Your humble servants, though distressed captives.

From our extraordinary cruell bondage in Oxford Castle, this 19th of July, 1643.

The Names of the Prisoners.

Humphrey Morgon.
William Andrewet.
Thomas Fipps.
Timothy Code.
Foulke Greffes.
Robert Grage.
Jo. Geuton.
John Gleed.

Si. Richards.
John Burkhill.
James Clerring.
Richard Bradshaw.
Edward Parricke.
Thomas Wells.
Jo. Williams.
Humphrey Lebbes.
Thomas Dungeon.
Thomas Gibbs.
William King.
John Gell.
Maurice Moeor.
William Wood.
Richard Symons.
Joseph Ratclyffe.
John Walter.
Joseph Amye.
Joseph Rushaley.
John Alder.
John Gelcot.
Christopher Fowler.
Richard Mixon.
Nathaniel Smith.
Richard Frith.
John Overton.
Richard Weauright.
William Baenes.
Thomas Hartwell.
Edward Keepe.
William Elkoanley.
William Ashley.
Robert Childe.
Jo. Reade.
Clement Prat.
John Shaw.
George Sharpe.
Cha. Smith.
Richard Smith.
William Croley.
Edward Huggens.
Richard Whitehead, lieutenant.
Roger Cotrill, lieutenant.
Jo. Reeve, serg. to the earl of Stamford.
Henry Fitzherbert.
Edward Fitzherbert.
James Cragford.
Andrew Pest, quarter-master.
Maurice James.
Arthur Rose.
Scapcot Perdee.
George Rose.
Robert Holly.
John Wilye.
Nathaniel Cambridge
William Hawkes.
John Butchins.
John Grage.
Jenkyn Price.
William Hughes.

With many others, that are so sicke that they are not able to subscribe.
Mr Francklyn is, since the penning of this, dead, by Smith's cruelty.

A POSTSCRIPT.

Some things more which I here adde; as, his seizing one Mr Fishers house, claping him prisoner in the tower, almost starving him, seizing on his goods, turning him, his wife and family out of doores; and also his seizing one Doctor Gardens house, and turning Mistris Garden into the street, after he had beat and pinched her, and most basely abused her: neither have I set forth his pedigree, and what hath been his manner of life, which hath always been base enough, as appears by the testimony of one Mrs House of Chichester, where this Smith, with his family, did lye about a yeare; who, to get into favour, dissembled himselfe a puritan, and must needs have a minister sent for, to satisfie his troubled conscience: and when his dissemblednesse could no longer be hid, he abused them, and railed on them, and went away, not paying them a farthing: this hath been his continuall course, to live by cheating and cozning:—therefore I desire the state would be pleased to take into their consideration the misery that poore honest men are like to suffer under-hand, and to keep al the common prisoners they take, to exchange them for our common men, which they never let free, but alwayes keep, yea, and do much abuse them. These things I have written to let all the

world see and know the truth, which, if they will not believe, I wist they had seen and felt it as much as I. And whereas some men say their prisoners here suffer as much, I deny it; because I have been in the prisons, both here, in London, and at Windsor, and finde it is altogether false, whatsoever malignants report.

The Remonstrance of the Commons of England to the House of Commons, assembled in Parliament: Preferred to them by the hands of the Speaker.

This is the argument of some royalist, intended to throw upon the parliament the unpopularity of continuing the war. It was doubtless sent to the speaker, but, as the reader will readily imagine, not communicated to the house.

Master Speaker,

PREJUDGE us not, we pray you, because the title of this paper is a remonstrance, not a petition: the cause is, for that petitions have had ill successe of late; yet the matter will be the same, though the forme differ.

We send this (whatsoever ye will call it) to the honourable house of commons, who are the representative body of the whole commons of England, and we desire to present it by you, who are the speaker of that house.

The end of our desire is peace, and we hope we shall not erre in the way, when we intreat you to be our mediatour. Master Speaker, all that we desire of you is, to deliver this to the house, to procure it to be read, and to obtain as good an answer unto us as you may.

And now we addresse ourselves to the honourable house itselfe.

WHEN this parliament was called, (after several unhappy breaches of some former,) we comforted ourselves with a hope of a redresse of all our grievances, and we made choice of you for our knights, citizens, and burgesses, to serve for us there, and we did put our confidence in you, and beleeved that you, according to our trust, without any by respects, would have studied onely the peace and good of the kingdom; and we cannot be yet out of hope, but that ye will performe in the end.

But you must not take it amisse, if, as persons grieved, we tell you where our griefes lie. And to prepare our cure the better, we must desire you to call to your remembrances,

1. That we are still the true body of the commons of England, you but the representatives.

2. That wee have not so delegated the power to you, as to make you the governors of us and of our estates: you are, in truth, but our procurators, to speak for us in the great councell.

3. That in right we ought to have accesse to those whom we have thus chosen, and to the whole house, as there shall be cause to impart our desires unto you, and you ought not to refuse us.

4. That by involving our votes in yours, we had no purpose to make you perpetuall dictators.

5. That we never intended that you should have that latitude of power, as to imbark us all in a civill war, to the destruction of us and our posterities.

6. Much lesse had we a thought, that, by any of your votes, ye would or could draw us into any acts of disloyalty or disobedience against our naturall leige lord, to whom, by the lawes of God and man, we doe owe, and will pay all allegiance and fidelity.

Wherefore, we must claim this freedome which belongs unto us, as freeborne subjects, and as persons interested in the good and safety of this kingdome, as well as yourselves, that ye will speedily take those things into your wise and religious considerations, which belong to our peace, and which we, out of the deep sense of our present miseries, and of the apparent ruine of us all, (if not timely prevented,) do now offer unto you.

None of which shall be any new faneies, or dreames of distempered braines, but shall be such as have their grounds upon apparent truth and a cleere evidence.

For, first, we doe professe to all the world, that we are resolved, with our lives and fortunes, to maintaine the true protestant religion established by the laws in this church of England: to maintaine our well settled government under a monarchie, according to the knowne lawes of this land: to maintaine the just liberty of our persons, and property of our estates, according to the rule of those laws: to maintaine the just priviledges of parliament, without which our laws can hardly be continued.

And in the asserting of these, we beleeve we have the concurrence of both the houses of parliament; for such have been their daily protestations from time to time.

And for the kings majesties opinion herein, he hath, by many declarations, solemne protestations, and religious vows, before God and man, declared himselfe so fully and so freely, that it is his unchangeable resolution to live and die in the maintenance of all these, that we hold ourselves bounden, in reverence to his person, and in Christianity, to beleeve that he will faithfully perform his word with his people.

And we have this further assurance thereof, in that he hath descended so low from his throne, as to acknowledge some errours which have slipt him in his by-past government, and to undertake not to give way to the like hereafter.

We wish, with all our hearts, that you would, with the same ingenuity, acknowledge your errors also, and amend them; so might we soone (by Gods blessing) have our peace restored again, and, by your industries, made a happy nation.

Let us then cleerely and freely expresse in what things we find ourselves grieved, which have beene voted, ordered, and acted by you during this parliament; whereby the cure intended is become worse than the disease under which we formerly languished: and we must, with as much clearnesse and freedome, protest against them, if they be not speedily reformed and remedied.

The particulars are these:—

1. That, under the colour of advancing the true protestant religion, encouragement is given to anabaptists, brownists, and all manner of sectaries, which multiply in every corner; which must be reformed, or our true religion is lost.

2. Under the pretence of hatred of popery, (which we also detest, as far as their superstitions and idolatrous tenets are inconsistent with the true reformed protestant religion,) the book of common prayer (which is established by law) is cryed down by many, and all decent orders in Gods outward worship; and every man left to the dictate of his private spirit: but let the laws against papists and sectaries (the two extreams) be put in due execution; we shall thank you for it.

3. Under the colour of regulating the ecclesiastical courts, and taking away the high commission court, all spirituall jurisdiction (for the coercive part thereof, which is the life of the law) is taken away; so that now no heinous crimes, inquirable by those courts, as adultery, incest, &c., can be punished; no heresie or schisme reformed; no church can be inforced to be repaired; no church-officers, as church-wardens, &c., are compellable to take upon them their offices, or performe their duties, no, not to provide bread

and wine for the communion; no parsons or vicars can be inforced to attend their cures, or to give satisfaction for the paines of them who doe; no tithes can be recovered by their law, nor other church duties. We beseech you, think what will be the end of these things at the last.

4. Under the name of reforming the church government, ye endeavour to take away the function and very being of church governours, as bishops, and their assistants, the deans and chapters, so to take away the preferments of learned men, and the encouragements of learning. In the name of God, let the abuses be taken away, but not the good uses also.

5. For the rectifying of matters amisse in church discipline, and some things in doctrine also, (as is pretended,) an assembly of divines is propounded to be convocated, and consulted with. The matter is right, but the manner is surely amisse; and so wee are likely to lose the benefit of the substance for the errors in the circumstance; which is, that, in this intended convocation, the divines are not nominated by divines, who can best judge of their abilities, (which is the legall way.) The greatest part of those who are named are knowne, or justly suspected to be persons ill disposed to the peace of the church, and addicted too much to innovation. You yourselves (being all laymen) are to be the only judges of what shall be propounded and what determined; the divines but your assistants; and the king is totally to be excluded from having any voice or hand in it: and (as it is propounded) this is to be a perpetuall convocation, if the houses of parliament so please.

6. Under the colour of freedome of preaching, seditious sermons are preached daily, even in the hearing of many of yourselves, who traduce the kings sacred person, slander his government, and, in expresse termes, encourage the maintaining and continuing of this unnaturall and unchristian civill warre, and yet none are punished for it; which makes us feare that this is, and long hath been made by some to be the principal engine to kindle this fire of hell, to the just scandall of all good men, and slander of our religion; this doctrine coming so close to that of the jesuites.

7. And divers worthy, learned, and painful preachers have been committed to prison by you, for delivering their consciences freely and religiously, and preaching obedience to their soveraigne. These things we observe unto you, as tending mainly against the maintaining and propagation of the true protestant religion.

Touching that part which concerneth the maintaining of the laws, we shall observe also some things unto you, wherein your own practice differs much from your professions: a preposterous way to perswade us, or any other by-standers.

1. Ye assume that power to yourselves, that ye, by a bare vote, without an act of parliament, may expound or alter a known law; whereas the commons house formerly assumed to themselves no such power, but in order towards the making of a new law; nor did the house of peeres chalenge any such thing; but they having the power of judicature, as judges, they proceed according to the rules of the known lawes, and upon their honours are answerable for the justnesse of their judgements, as other courts are upon their oathes.

2. You make your own orders and ordinances to be as laws, and compell them to be observed, and with a stricter hand; which may binde the members of your house in their priviledges, but have not, nor ever had the force of laws, untill, by both houses, and the kings consent, they were confirmed.

3. And for your own observation of the laws of the land, ye take yourselves to be so far above the reach of them, that, by your orders and ordinances, ye enjoyn the judges and ministers of justice to forbear (contrary to their oaths) to proceed in their ordinary courses, where ye please.

4. Ye make an ordinance to put the militia of the kingdome into such hands as ye

please, and shall confide in, and this without the king, and expressely against his command.

5. Ye possesse yourselves of the navy-royall, and appoint admiralls, and other officers of sea, without the king, and use those ships against the king himselfe.

6. Ye take the kings castles, forts, and ports, the places of greatest strength in the kingdome, and keep them against the king himselfe; as Hull, and Portsmouth, and Windsor Castle: and these three last actions appeare to us to have beene done by design; for,

7. The pretence at first was for the preservation of the kingdome against some forreigne enemy; but when none appeared in many moneths, (and we now believe none such, in truth, ever were,) a warre for the parliament, against the king himself, was raised, for the preservation of the king.

8. And those who refuse to joyne in this warre with you, or to contribute unto it, with giving or lending of money, horse, armes, &c., ye proscribe, as malignants, and persons ill affected to the common-wealth; although we see not how it can be lesse than treason against the king, to joyne with you therein.

9. But to all those who are your commanders, or officers of your army, ye give large, and even profuse entertainments and rewards, but out of our purses, who give you little thankes for it. Thus much may suffice to give a taste how the laws are, and are likely to be maintained, in the course we are now in.

And for the liberty of our persons, and property of our estates, we shall say a little in the next place, and, by a few particulars, judge what we may hope for therein.

1. Ye take the kings treasure, ye intercept his revenue, possesse his houses of accesse; and all these for his owne service; and if any attend him or assist him, they are condemned, as malignants, popish, evil counsellors, and enemies to the state.

2. Ye have, by messages, endeavoured to perswade our brethren of Scotland to joyne with you in your rebellion against your soveraigne; and this was not done by some private men alone, but ordered by the votes of your house.

3. Ye condemne the rebells in Ireland, (and that very justly,) for their horrid rebellion there, and yet your selves doe greater and more horrid acts of barbarous hostility against your king, even in his own person, in England; and when yee have been charged with it, ye would excuse it, by saying, that it was not your fault, but the fault of the king himselfe, and of the counsellors and cavaliers about him; that he went himselfe, in person, into the battel; which he did with that magnanimity and kingly courage, as will adde to his honour, and your shame, whilst the world endureth. Thus your action is become odious to God and man, and your excuse for it ridiculous.

4. And, as if ye had shaken off all subjection, and yourselves become a state independant, ye have treated, by your agents, with forraigne states: such an usurpation upon sovereignty, as was never yet attempted in this kingdome.

5. Ye command your owne orders, ordinances, and declarations to be printed and published, *cum privilegio;* but if any thing come from the king, which may truly informe and disabuse the people, ye forbid those to be published, and commit them to prison who do it.

6. That monies advanced by gift or adventure, or act of parliament, and souldiers prepared for Ireland, to reduce the rebels there, ye have from time to time diverted to maintaine this unnaturall warre in England; so ye doe visibly loose the kingdome of Ireland, that ye may be the better enabled to loose the kingdome of England also.

7. Ye have shewed your selves so adverse from peace, that ye have voted there shall be no cessation of armes, lest, by a free treaty, a peace might ensue. This is your carriage towards the king himselfe.

And lest ye might be accused to be juster to the subject than ye are towards your sovereigne, these things ye have done to the subject also.

1. Ye have made an ordinance, that the twentieth part of mens estates must be payd towards the maintenance of this rebellion, and ye appoint those who shall value that twentieth part; and why, by the same reason, ye take not the tenth part, or the one halfe, we see not: and for the levying of it, ye ordain your collectors shall destraine for the summe assessed, and sell the distresse; and if no distresse can be found, the persons of these notable offendours are to be imprisoned, and they and their families banished from their habitations.

2. But lest this should not have the colour of law sufficient to blind the world, ye have lately made an ordinance for the inhabitants of the counties of Northampton, Rutland, Derby, &c., to pay, and be assessed, (by assessors named in your act,) in imitation of the statute lately made for the 400,000*l.*; and this, as is probable, shall, in convenient time, be extended to the whole kingdome: so ye first cast yourselves into a necessity to get money, by making an impious war upon your sovereigne, and then, out of that necessity, ye compel your fellow-subjects (who abominate the war) to maintain it.

3. And yee have yet a shorter and a surer way: Where yee understand there is any money, or plate, or goods to bee had, ye send a party of horse or dragooners, or other strength, to fetch it, as out of an enemies countrey, because the owners are good subjects to the king, or you suspect them to be so; and that alone is crime sufficient to apprehend them, to judge them, and take execution upon them; and all this without the ceremony of law, by your absolute and omnipotent power, which cannot erre.

4. You discharge apprentices and servants from their masters services, without consent of their masters and dames, and either perswade them or compell them to serve you, in your army, against the king. This is, indeed, the liberty of the subject.

5. Ye have imprisoned many for petitioning unto you, (as if that alone were a crime,) if the matter of the petition do not flatter you in your present courses.

6. And others ye have imprisoned, some for petitioning, and some for intending to petition to the king, (as those gentlemen of Hertfordshire and Westminster;) and yet, God be praised, the way is open to petition to him in heaven, and he will heare us in his good time.

Lastly, for your priviledges of parliament.

1. First, ye forbid us to dispute them; ye alone are (as ye say) the judges of them; but, in former ages, those also might be, and have been judged by the lawes of the kingdome. Onely of offences committed by your own members against your house, of these ye are the proper judges, and of the elections of your members.

2. Yet these, we conceive, under your good favours, are to be thus confined, that every member of your house hath, and ought to have as free liberty as any of them, to deliver his opinion upon any emergent occasion, and not to be committed, as some have beene, or put out of the house, as others have beene, for speaking freely against the sence of the house, or rather of some members thereof.

3. The priviledges of your house were never challenged till now, to extend to any member which should commit treason or felony; but ye have now declared that no member of the house, nor any others imployed by you in this horrid rebellion, should be questioned for treason, but in parliament, or at least by leave of the house.

4. Ye have made a close committee, (as you call it,) wherein a very few members of your house onely are privy to your counsels; and what those few conclude upon is summarily reported to the house, and that taken upon trust, by an implicit faith of all the rest.

5. Many of the present members of your house have had their elections questioned; but if they incline to those positions which ye lay downe to yourselves, to uphold your tyrannical and usurped government, ye are so busied in the great affaires of state, that, in two yeeres space, (for so long, and longer, yee have continued this parliament al-

ready,) yee have no leisure to determine those questions, lest you should lose such a one from your party.

6. Sometimes, when a matter of importance hath been in debate, ye have put it to the question, and upon the question it hath been determined, and the same question again resumed at another time, better prepared for the purpose, and determined quite contrary. This, we are well assured, was not the priviledge of former parliaments, when many of us were members thereof.

We do believe ye have many just priviledges for the freedome of your persons, for freedome of speech; but we never did believe that ye had a priviledge to take the scepter into your hands, to levy a warre against your king, and to compell others to joyne with you in so execrable an act. We wish from our hearts that all these observations were but fables and fictions, (as we have met with many from you, to amuse us;) but they are all undeniably true. Our conditions, therefore, are most miserable, when thus, instead of maintaining the true protestant religion, the lawes of the land, the just liberty and property of the subject, and just priviledges of parliament, they are all of them radically and fundamentally destroyed, and that by you, whose duties and professions are daily to the contrary: and if any thing can be added to our misery, it is this, that we cannot see through the time when this intolerable yoke of slavery which ye put upon your fellow-subjects shall have an end; seeing, by the art of a few, yee have contrived an act, whereby ye have perfidiously over-reached both the king and people, to make this present parliament to be perpetuall, at your pleasures, that so your arbitrary power and tyranny over the kingdome might be perpetuated.

Yet one thing more may be added to our unhappinesse.

Fuisse fælices, we were lately a happy people, and are now, on a sudden, reduced to such a depth of unhappinesse, that we are made a spectacle to the whole world, and the very object of their scorne; for,

We are (before we were aware of it) cast in a warre, a civill warre, an irreligious and barbarous warre, against our soveraigne, our natural liege lord.

We are put into an inevitable way of poverty,

By being wasted in all quarters and corners of the kingdome one by another:

By loosing our commerce at home, it being intercepted by the armies, and almost no debts paid, occasioned specially by the priviledges of your members, and such as yc priviledge:

By loosing our trade abroade, it being cast into the hands of strangers.

We loose our season for tillage and husbandry, which must of necessity introdûce a famine; and famine doth but usher in a pestilence: and warre, famine, and pestilence, are the three great and fearful judgments of God upon a nation.

Nothing can redeeme us out of these calamities but a speedy peace, and, to prepare it, a cessation of arms; and then, by good lawes, as ye have already happily begun, to amend what is, or hath beene amisse, without plucking up the foundations of government.

We beseech you, therefore, at the last, to lay aside your affections, and in your judgments to provide for us, and for yourselves, and for the honour of our religion, the peace of our consciences, the preservation of our lives and estates, and for the salvation of our poor soules; to have pity upon us, bind up our bleeding wounds, cure the distractions of the time, and make up the breaches betweene the king and people, occasioned onely by a misunderstanding.

And if these our petitions, or complaints, or remonstrances, (call them what ye will,) may prevaile with you, we doubt not but that the king, of his grace and goodnesse, will be intreated to bury all your by-past actions in an act of oblivion, that neither the present age, nor the ages to come, may, to the shame of this nation, have cause to remember what hath happened here, in this last and worst age of this world.

But if all this, and all which, in your great judgments, yee can adde unto it, shall not move you, we doe, and shall protest to all the world, (that, with the hazard of our lives and fortunes, and of all we can call ours,) we shall endeavour to vindicate ourselves from these inhumane courses. *Sed meliora speramus.* We hope for better things. And we shall incessantly pray to God to perfect our hopes, by blessing your counsels.

An Ordinance of the Lords and Commons, assembled in Parliament; with Instructions for the taking of the League and Covenant in the Kingdom of England, and Dominion of Wales: with an Exhortation for the taking of the Covenant, and for satisfying such Scruples as may arise thereupon: together with the League and Covenant, subscribed with the Names of so many of the Members of the House of Commons as have taken it. All which are to be read in all Churches and Chappels within the Kingdom of England, and Dominion of Wales.

The various defeats which the parliament had sustained in the west, and elsewhere, reduced them to apply for the assistance of the sister kingdom; and a deputation was headed by Sir Henry Vane, to whose address they chiefly trusted for success. But nothing was to be done with the Scottish nation at that time, unless by affording them hope that England would adopt their beloved church government by presbytery. With this view, the Scottish insisted upon the necessity of an intimate alliance and uniformity between the two countries in matters whether sacred or civil.

" For such an expedient, therefore, they proposed that a covenant might be agreed upon between the two kingdoms, for the utter extirpation of prelacy, which that kingdom was satisfied to be a great obstruction to the reformation of religion; and the two houses of parliament had discovered a sufficient aversion from that government, by having passed a bill for their utter abolition, and, in the place thereof, to erect such a government as should be most agreeable to God's word, which they doubted not would be their own presbytery; and that the people being cemented together by such an obligation, would never be severed and disjoyned by any temptation."—CLARENDON, II. 284.

The house of commons, before adopting this covenant, remitted it to the consideration of their godly assembly of divines at Westminster, who very readily gave it their approbation. In the house it was less popular; but, in language which a member actually used on a like occasion, " They could not yet do without the Scots; the sons of Zeruiah were too strong for them." It was therefore adopted.

" Sept. 25th. Both houses, with the assembly of divines and Scots commissioners, met in St Margaret's Church, Westminster, where Mr White, one of the assembly, prayed an hour, to prepare them for taking the covenant; then Mr Nye, in the pulpit, made some observations touching the covenant, shewing the warrant of it from Scripture, the examples of it since the creation, and the benefit to the church.

" Mr Henderson, one of the Scots commissioners, concluded in a declaration of what the Scots had done, and the good they had received by such covenants, and then he showed the prevalency of ill counsel about the king, the resolutions of the states of Scotland to assist the parliament of England.

" Then Mr Nye, in the pulpit, read the covenant, and all present held up their hands, in testimony of their assent to it, and afterwards, in the several houses, subscribed their names in a parchment roll, where the covenant was written. The divines of the assembly and the Scots commissioners likewise subscribed the covenant, and then Doctor Gouge prayed for a blessing upon it.

" The house ordered the covenant to be taken, the next Lord's day, by all persons in their respective parishes, and the ministers to exhort them to it."—WHITLOCKE's *Memorials*, p. 70.

5th February, 1643.

Ordered, by the commons in parliament, that the ordinance, with instructions for the taking of the league and covenant, together with the exhortation, and the league and covenant, be forthwith printed and published.

H. Elsynge, Cler. Parl. D. Com.

An Ordinance of the Lords and Commons, enjoyning the taking of the late solemn League and Covenant throughout the Kingdom of England, and Dominion of Wales.

Whereas a covenant, for the preservation and reformation of religion, the maintenance and defence of laws and liberties, hath been thought a fit and excellent meanes to acquire the favour of Almighty God towards the three kingdoms of England, Scotland, and Ireland, and likewise to unite them, and, by uniting, to strengthen and fortifie them against the common enemy of the true reformed religion, peace and prosperity of these kingdomes; and whereas both houses of parliament in England, the cities of London and Westminster, and the kingdome of Scotland have already taken the same,—it is now ordered and ordained, by the lords and commons in parliament, that the same covenant be solemnly taken in all places throughout the kingdome of England, and dominion of Wales. And for the better and more orderly taking thereof, these directions ensuing are appointed and enjoyned strictly to be followed.

Instructions for the taking of the solemne League and Covenant throughout the Kingdome.

I.

That the speakers of both houses of parliament doe speedily send (to the lord-generall, and all other commanders-in-chiefe, and governours of townes, forts, castles, and garrisons, as also to the earle of Warwick, lord-high-admirall of England) true copies of the said solemn league and covenant, to the end it may be taken by all officers and souldiers under their severall commands.

II.

That all the knights and burgesses now in parliament doe take speciall care speedily to send down into their severall counties (which are, or shall hereafter be under the power of the parliament) a competent number of true copies of the said league and covenant, unto the committees of parliament, in their severall counties; and that the said committees doe, within six dayes, at the most, disperse the said copies to every parish church or chappell in their severall counties, to be delivered unto the ministers, churchwardens, or constables of the severall parishes.

III.

That the said committees be required to returne a certificate of the day when they received the said copies, as also the day they sent them forth, and to what parishes they have sent them, which certificate they are to return to the clerke of the parliament appointed for the commons house, that so an account may be given of it, as there shall be occasion.

IV.

That the severall ministers be required to reade the said covenant publikely unto their

people, the next Lords day after they receive it, and prepare their people for it, against the time that they shall be called to take it.

V.

That the said league and covenant bee taken by the committees of parliament in the place where they reside, and tendered also to the inhabitants of the towne, within seven dayes after it comes to the said committees hands.

VI.

That the said committees, after they have taken it themselves, doe speedily disperse themselves through the said counties, so as three or foure of them be together, on dayes appointed, at the chiefe places of meeting for the severall divisions of the said counties, and summon all the ministers, church-wardens, constables, and other officers unto that place, where, after a sermon, preached by one appointed by the committee for that purpose, they cause the same minister to tender the league and covenant unto all such ministers and other officers, to be taken and subscribed by them in the presence of the said committees.

VII.

That the said committees do withall give the said ministers in charge, to tender it unto all the rest of their parishioners, the next Lords day, making then unto their said parishioners some solemn exhortation concerning the taking and observing thereof: and that the said committees do also return to the several parishes the names of all such as have taken the covenant before them, who yet shall also subscribe their names in the book or roll, with their neighbours in their several parishes; and if any minister refuse or neglect to appear at the said summons, or refuse to take the said covenant before the committee, or to tender it to his parish, that then the committees be carefull to appoint another minister to do it in his place.

VIII.

That this league and covenant be tendered to all men within the severall parishes, above the age of eighteene, as well lodgers as inhabitants.

IX.

That it be recommended to the earl of Manchester to take speciall care that it bee tendered and taken in the universitie of Cambridge.

X.

That, for the better encouragement of all sorts of persons to take it, it be recommended to the assembly of divines to make a brief declaration, by way of exhortation, to all sorts of persons to take it, as that which they judge not onely lawfull, but (all things considered) exceeding expedient and necessary, for all that wish well to religion, the king and kingdom to joyn in, and to be a singular pledge of Gods gracious goodnesse to all the three kingdomes.

XI.

That if any minister do refuse to take or to tender the covenant, or any other person or persons do not take it the Lords day that it is tendred, that then it be tendred to them again the Lords day following, and if they still continue to refuse it, that then their names be returned by the minister that tenders it, and by the church-wardens, or constables, unto the committees, and by them to the house of commons, that such further course may be taken with them as the houses of parliament shall see cause.

XII.

That all such persons as are within the several parishes when notice is given of the taking of it, and do absent themselves from the church at the time of taking it, and come not in afterwards to the minister and church-wardens, or other officers, to take it in their presence, before the returne be made, be returned as refusers.

XIII.

The manner of the taking it to be thus:—The minister to read the whole covenant, distinctly and audibly, in the pulpit, and, during the time of the reading thereof, the whole congregation to be uncovered, and, at the end of his reading thereof, all to take it standing, lifting up their right hands bare, and then afterwards to subscribe it severally, by writing their names, (or their marks, to which their names are to be added,) in a parchment roll, or a book, whereinto the covenant is to be inserted, purposely provided for that end, and kept as a record in the parish.

XIV.

That the assembly of divines do prepare an exhortation for the better taking of the covenant; and that the said exhortation, and the declaration of the kingdoms of England and Scotland, joyned in the armies, for the vindication and defence of their religion, liberties, and lawes, against the popish, prelaticall, and malignant partie, and passed the 30th of January last, be publikely read, when the covenant is read, according to the fourth and sixth articles: And that a sufficient number of the copies of the said declaration be sent, by the persons appointed to send the true copies of the said covenant, in the first and second articles.

An Exhortation to the taking of the Solemne League and Covenant, for Reformation and Defence of Religion, the Honour and Happinesse of the King, and the Peace and Safety of the three Kingdomes of England, Scotland, and Ireland.

If the power of religion or solid reason, if loyalty to the king, and piety to their native country, or love to themselves, and naturall affection to their posterity, if the example of men touched with a deep sense of all these, or extraordinary successe from God thereupon, can awaken an embroyled, bleeding remnant to embrace the soveraigne and onely meanes of their recovery, there can be no doubt but this solemne league and covenant will find, wheresoever it shall bee tendered, a people ready to entertaine it with all cheerefulnesse and duty.

And were it not commended to the kingdom by the concurrent encouragement of the honourable houses of parliament, the assembly of divines, the renowned city of London, multitudes of other persons, of eminent rank and quality, in this nation, and the whole body of Scotland, who have all willingly sworn and subscribed it, with rejoycing at the oath, so graciously seconded from heaven already, by blasting the counsels, and breaking the power of the enemy more than ever; yet it goeth forth in its own strength, with such convincing evidence of equity, truth, and righteousnesse, as may raise in all (not wilfully ignorant, or miserably seduced) inflamed affections, to joyne with their brethren in this happy bond, for putting an end to the present miseries, and for saving both of king and kingdom from utter ruine, now so strongly and openly laboured by the popish faction, and such as have been bewitched and besotted by that viperous and bloudy generation.

For what is there almost in this covenant which was not, for substance, either expressed, or manifestly included in that solemne protestation of May 5, 1641, wherein the whole kingdome stands ingaged untill this day? The sinfull neglect whereof doth (as we may

justly feare) open one floodgate, the more to let in all these calamities upon the kingdome, and cast upon it a necessity of renewing covenant, and of entring into this.

If it be said, the extirpation of prelacy, to wit, the whole hierarchicall government, (standing, as yet, by the knowne lawes of the kingdome,) is new and unwarrantable; this will appeare, to all impartiall understandings, (though new,) to be not onely warrantable, but necessary; if they consider (to omit what some say, that this government was never formally established by any lawes of this kingdome at all) that the very life and soule thereof is already taken from it, by an act passed this present parliament, so as (like Jezabels carcasse, of which no more was left but the skull, the feete, and the palmes of her hands,) nothing of jurisdiction remaines, but what is precarious in them, and voluntary in those who submit unto them: that their whole government is at best but a humane constitution, and such as is found and adjudged, by both houses of parliament, (in which the judgement of the whole kingdom is involved and declared,) not onely very prejudiciall to the civill state, but a great hinderance also to the perfect reformation of religion; yea, who knoweth it not to bee too much an enemy thereunto, and destructive to the power of godlinesse, and pure administration of the ordinances of Christ? Which moved the well-affected, almost throughout this kingdom, long since, to petition this parliament (as hath been desired before, even in the reigne of Queen Elizabeth and of King James) for a totall abolition of the same. Nor is any man hereby bound to offer any violence to their persons, but only, in his place and calling, to indeavour their extirpation in a lawful way.

And as for those clergymen who pretend that they (above all others) cannot covenant to extirpate that government, because they have (as they say) taken a solemn oath to obey the bishops, *in licitis et honestis;* they can tell, if they please, that they that have sworn obedience to the laws of the land are not thereby prohibited from indeavouring, by all lawful means, the abolition of those lawes, when they prove inconvenient or mischievous. And if yet there should any oath be found into which any ministers or others have entered, not warranted by the lawes of God and the land, in this case, they must teach themselves and others that such oaths call for repentance, not pertinacy in them.

If it be pleaded that this covenant crosseth the oaths of supremacy and allegiance, there can be nothing further from truth; for this covenant binds all, and more strongly engageth them to preserve and defend the kings majesties person and authority, in the preservation and defence of the true religion and liberties of the kingdomes.

That scruple, that this is done without the kings consent, will soon be removed, if it be remembred that the protestation of the 5th of May, before-mentioned, was in the same manner voted and executed by both houses, and after (by order of one house alone) sent abroad to all the kingdome, his majesty not excepting against it, or giving any stop to the taking of it, albeit he was then resident, in person, at Whitehall.

Thus Ezra and Nehemiah drew all the people into a covenant, without any special commission from the Persian monarchs (then their sovereigns) so to doe, albeit they were not free subjects, but vassals, and one of them the meniall servant of Artaxerxes, then, by conquest, king of Judah also.

Nor hath this doctrine or practise beene deemed seditious or unwarrantable by the princes that have sate upon the English throne, but justified and defended by Queene Elizabeth, of blessed memory, with the expence of much treasure and noble blood, in the united provinces of the Netherlands, combined, not only without, but against the unjust violence of Philip of Spaine. King James followed her steps, so farre as to approve their union, and to enter into league with them as free states; which is continued, by his majestie now reigning, unto this day; who, both by his expedition for reliefe of Rochel, in France, and his strict confederacy with the Prince of Orange and the states-general, notwithstanding all the importunitie of Spaine to the contrary, hath

set to his scale, that all that had beene done by his royall ancestors, in maintenance of those who had so engaged and combined themselves, was just and warrantable.

And what had become of the religion, lawes, and liberties of our sister nation of Scotland, had they not entered into such a solemne league and covenant at the beginning of the late troubles there? Which course, however it was, at first, by the popish and prelatick projectors, represented to his majestie as an offence of the highest nature, justly deserving chastisment, by the fury of a puissant army; yet, when the matter came afterwards, in coole blood, to be debated, first, by commissioners of both kingdomes, and then in open parliament here, (when all those, of either house, who are now engaged at Oxford, were present in parliament, and gave their votes therein,) it was found, adjudged, and declared, by the king in parliament, that our deare brethren of Scotland had done nothing but what became loyall and obedient subjects; and were thereupon, by act of parliament, publikely righted, in all the churches of this kingdome, where they had beene defamed.

Therefore, however some men, hoodwinkt and blinded by the artifices of those jesuitical engineers, who have long conspired to sacrifice our religion to the idolatry of Rome, our lawes, liberties, and persons to arbitrary slavery, and our estates to their insatiable avarice, may possibly be deterred and amused with high threats and declarations, flying up and downe on the wings of the royall name and countenance, (now captivated and prostituted to serve all their lusts,) to proclaime all rebells and traitors who take this covenant; yet let no faithfull English heart be afraid to joine with our brethren of all the three kingdomes in this solemne league, as sometimes the men of Isreal (although under another king) did with the men of Judah, at the invitation of Hezekiah.

What though those tongues, set on fire by hell, doe raile and threaten? That God who was pleased to cleare up the innocency of Mordecai and the Jews, against all the malitious aspersions of wicked Haman, to his and their soveraigne, so as all his plotting produced but this effect, that when the kings commandement and decree drew neare to be put in execution, and the enemies of the Jewes hoped to have power over them, it was turned to the contrary, and the Jews had rule over them that hated them, and laid hands on such as sought their hurt, so as no man could withstand them; and that same God who, but even as yesterday, vouchsafed to disperse and scatter those dark clouds and fogs which over-shadowed that loyall and religious kingdome of Scotland, and to make their righteousnesse to shine as cleare as the sunne at noone-day, in the very eyes of their greatest enemies, will doubtlessely stand by all those who, with singlenesse of heart, and a due sense of their owne sinnes, and a necessitie of reformation, shall now enter into an everlasting covenant with the Lord, never to be forgotten, to put an end to all those unhappy and unnatural breaches betweene the king and such as are faithful in the land; causing their righteousnesse and praise to spring forth before all the nations, to the terror and confusion of those men of blood, the confederate enemies of God and the king, who have long combined, and have now raked together the dregs and scumme of many kingdomes, to bury all the glory, honour, and liberty of this nation in the eternal grave of dishonour and destruction.

Die Veneris, 9th February, 1643.

An exhortation touching the taking of the solemn league and covenant, and for satisfying of such scruples as may arise in the taking of it, was this day read the first and second time, and, by vote upon the question, assented unto, and ordered to be forthwith printed.

H. Elsynge, *Cler. Par. D. Com.*

A Solemn League and Covenant for Reformation and Defence of Religion, the Honour and Happinesse of the King, and the Peace and Safety of the three Kingdoms of England, Scotland, and Ireland.

We, noblemen, barons, knights, gentlemen, citizens, burgesses, ministers of the gospel, and commons of all sorts, in the kingdoms of England, Scotland, and Ireland, by the providence of God living under one king, and being of one reformed religion, having before our eyes the glory of God, and the advancement of the kingdome of our Lord and Saviour Jesus Christ, the honour and happiness of the kings majestie and his posteritie, and the true publike liberty, safety, and peace of the kingdoms, wherein every ones private condition is included, and calling to minde the treacherous and bloody plots, conspiracies, attempts, and practices of the enemies of God against the true religion, and professors thereof, in all places, especially in these three kingdoms, ever since the reformation of religion, and how much their rage, power, and presumption are, of late, and at this time increased and exercised; whereof the deplorable estate of the church and kingdom of Ireland, the distressed estate of the church and kingdom of England, and the dangerous estate of the church and kingdom of Scotland, are present and publike testimonies,—we have now, at last, (after other means of supplication, remonstrance, protestations, and sufferings,) for the preservation of ourselves and our religion from utter ruine and destruction, according to the commendable practice of these kingdoms in former times, and the example of Gods people in other nations, after mature deliberation, resolved and determined to enter into a mutual and solemne league and covenant, wherein we all subscribe; and each one of us, for himself, with our hands lifted up to the most high God, do swear—

I.

That we shall sincerely, really, and constantly, through the grace of God, endeavour, in our several places and callings, the preservation of the reformed religion in the church of Scotland, in doctrine, worship, discipline, and government, against our common enemies; the reformation of religion in the kingdoms of England and Ireland, in doctrine, worship, discipline, and government, according to the word of God, and the example of the best reformed churches;[1] and shall indeavour to bring the churches of God, in the three kingdoms, to the neerest conjunction and uniformity in religion, confession of faith, form of church government, directory for worship and catechizing; that we, and our posterity after us, may, as brethren, live in faith and love, and the Lord may delight to dwell in the middest of us.

II.

That we shall, in like manner, without respect of persons, indeavour the extirpation of popery, prelacy, (that is, church government, by arch-bishops, bishops, their chancellours and commissaries, deanes and chapters, archdeacons, and all other ecclesiasticall officers depending on that hierarchy,) superstition, heresie, schisme, prophanesse, and whatsoever shall be found to be contrary to sound doctrine, and the power of godlinesse; lest we partake in other mens sins, and thereby be in danger to receive of their plagues; and that the Lord may be one, and his name one, in the three kingdoms.

[1] *Hinc illæ lachrymæ!* It was under the ambiguity of this clause that Vane, who, as an independent, was an equal enemy to presbytery and episcopacy, preserved an opening for disappointing the expectations of the Scottish nation, whose zeal for establishing presbytery in England was, beyond all proportion, stronger than their anxiety to maintain the rights and privileges of the house of commons. It had never occurred to them to suspect, that any religion but presbytery could be designed under the clause in the text.

III.

We shall, with the same sincerity, reality, and constancy, in our severall vocations, endeavour, with our estates and lives, mutually to preserve the rights and priviledges of the parliaments, and the liberties of the kingdoms, and to preserve and defend the kings majesties person and authority, in the preservation and defence of the true religion and liberties of the kingdoms, that the world may bear witnesse, with our consciences, of our loyaltie, and that we have no thoughts or intentions to diminish his majesties just greatnesse.

IIII.

We shall also, with all faithfulnesse, endeavour the discovery of all such as have been, or shall be incendiaries, malignants, or evill instruments, by hindering the reformation of religion, dividing the king from his people, or one of the kingdomes from another, or making any faction or parties amongst the people, contrary to this league and covenant, that they may be brought to publicke triall, and receive condigne punishment, as the degree of their offences shall require or deserve, or the supreme judicatures of both kingdomes respectively, or others having power from them for that effect, shall judge convenient.

V.

And whereas the happinesse of a blessed peace between these kingdoms, denyed in former times to our progenitors, is, by the good providence of God, granted unto us, and hath been lately concluded and settled by both parliaments, we shall, each one of us, according to our place and interest, endeavour that they may remain conjoyned in a firme peace and union to all posterity, and that justice may be done upon the wilfull opposers thereof, in manner expressed in the precedent articles.

VI.

We shall also, according to our places and callings, in this common cause of religion, liberty, and peace of the kingdomes, assist and defend all those that enter into this league and covenant, in the maintaining and pursuing thereof, and shall not suffer ourselves, directly or indirectly, by whatsoever combination, perswasion, or terrour, to be divided, and withdrawn from this blessed union and conjunction, whether to make defection to the contrary part, or to give ourselves to a detestible indifferency or neutrality in this cause, which so much concerneth the glory of God, the good of the kingdoms, and the honour of the king; but shall, all the days of our lives, zealously and constantly continue therein, against all opposition, and promote the same, according to our power, against all lets and impediments whatsoever; and what we are not able ourselves to suppresse or overcome, we shall reveal and make known, that it may be timely prevented or removed:—All which we shall do as in the sight of God.

And because these kingdoms are guilty of many sins and provocations against God, and his son Jesus Christ, as is too manifest, by our present distresses and dangers, the fruits thereof, we professe and declare, before God and the world, our unfayned desire to be humbled for our own sins, and for the sins of these kingdomes; especially, that we have not as we ought valued the inestimable benefit of the gospel, that we have not laboured for the purity and power thereof, and that we have not endeavoured to receive Christ in our hearts, nor to walk worthy of him in our lives, which are the causes of other sins and transgressions so much abounding amongst us; and our true and unfained purpose, desire, and endeavour, for ourselves, and all others under our power and charge, both in publike and in private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real reformation, that the Lord may turn away his wrath and heavy indignation, and establish these churches and kingdoms in trueth and peace. And this covenant we make in the presence of Almighty God, the searcher of all hearts, with a true intention to

performe the same, as we shall answer at that great day when the secrets of all hearts shall be disclosed; most humbly beseeching the Lord to strengthen us by his holy spirit for this end, and to blesse our desires and proceedings with such successe as may be deliverance and safety to his people, and encouragement to other Christian churches, groaning under, or in danger of the yoke of anti-christian tyranny, to joine in the same, or like association and covenant, to the glory of God, the enlargement of the kingdome of Jesus Christ, and the peace and tranquility of Christian kingdomes and commonwealths.

Wil. Lenthall, speaker.
Beuchamp St John.
Gilbert Gerrard.
Walter Erle.
James Cambell.
Tho. Cheeke.
Robert Nicholas.
Benjamin Rudyard.
John Gurdon.
Robert Herley.
Francis Knollys.
Edward Master.
John White.
Anthony Stapeley.
Dennis Bond.
Laurence Whitaker.
Michael Noble.
Pere. Hoby.
Richard Barwis.
Edward Baynton.
William Cawley.
John Moyle.
John Pyne.
George Searle.
Henry Vane, senior.
Nevill Poole.
John Yonge.
Henry Herbert.
Thomas Sandis.
Oliver Saint John.
Thomas Grantham.
Francis Barneham.
William, lord Fitzwilliams.
Edmund Dunch.
Henry Mildmay.
Hugh Rogers.
Thomas Hatcher.
John Wray.
Simonds D'Ewes.
Anthony Bedingfield.
John Ashe.
William, lord Munson.
Martyn Lister.

William Jesson.
Philip, lord Herbert.
Thomas Barrington.
Martin Lumley.
John Trevor.
Francis Godolphin.
Thomas Arundell.
Edward Stephens.
Gilbert Pykering.
John Creue.
Oliver Cromwell.
Henry Vane, junior.
William Cage.
Richard Erisey.
Philip, lord Lisle.
William Haveningham.
Isaac Penington.
Richard Cresheld.
Thomas Pelham.
Thomas Parker.
John Leigh.
John Harris.
Augustine Skinner.
John Venn.
William Strickland.
John Franklin.
Samuel Browne.
Robert Scawen.
Roger Hill.
Humphrey Tufton.
Thomas Dacres.
Thomas Erle.
John Downes.
John Goodwyn.
Francis Drake.
William Waller.
Samuel Luke.
Francis Buller.
Richard Harman.
George Buller.
Arthur Onslowe.
Richard Wynwood.
Robert Pye.

John Button.
John Meyrick.
Ambrosse Browne.
Richard Wynn.
Edward Owner.
Charles Pym.
Charles, lord Cranborne.
Ben Weston.
Dudley North.
John Nutt.
Jo. Corlet.
Roger Burgoyne.
Peter Temple.
Benjamin Valentyne.
Thomas Walsingham.
Oliver Luke.
William Alenson.
Humphery Salwey.
Richard More.
William Ashurst.
Thomas Moore.
Thomas Fountayne.
William Ellys.
Henry Shelley.
Richard Shuttleworth.
Henry Ludlow.
George Gallopp.
Robert Wallopp.
Arthur Hesilrige.
Richard Brown.
William Playters.
Nathaniel Stephens.
Richard Rose.
Francis Rous.
Gilbert Millington.
Walter Young
John Brown.
John Hippesley.
Edward Poole.
Henry Pelham.
William Hay.
John Driden.
Nathaniel Fyennes.

Robert Goodwyn.
Edward Thomas.
Henry Lucas.
Miles Corbett.
Philip Smith.
Cornelius Holland.
William Spurstowe.
John Lowry.
Peter Wentworth.
Henry Cholmely.
Philip Stapleton.
William Pierrepont.
Roger North.
Alexander Popham.
Thomas Hodges.
John Maynard.
Samuel Vassal.
Anthony Irby.
John Clotworthy.
John Broxolme.
Richard Jervoyse.
John Blakiston.
Walter Longe.
John Rolle.
Robert Jennor.
John Waddon.
William Masham.
John Lisle.
Edmund Fowell.
Edward Ashe.
Thomas Pury.
Richard Whithead.
Richard Jenyns.
Hen. lord Grey, of Ruthin.
Richard Knightley.
John Pym.
Christopher Yelverton.
Anthony Nicoll.
Peter Wroth.
Robert Reynolds.
Nathaniel Barnardiston.
Henry Heyman.
William Purefoy.
Valentine Walton.
Michael Oldesworth.
William Wheler.
Hall Ravenscroft.
Tho. lord Grey, of Groby.
Thomas Middleton.
Edward Hungerford.
Christopher Wrey.
Richard Lee.
Herbert Morley.
Thomas Lane.
Robert Cecill.
William Bell.
Thomas Some.
Herbottle Grimstone.
Symon Snowe.
John Nash.
Herbottle Grimstone.
Ralph Asheton.
Edward Ayshcoghe.
John Wylde.
John Trenchard.
Thomas Jervoyse.
William Lewis.
Giles Grene.
William Lytton.
John Hervey.
Edward Dowce.
William Strode.
Edmond Prideaux.
Thomas Hoyle.
Edward Exton.
Francis Popham.
Zouch Tate.
John Curson.
Alexander Bence.
Squire Bence.
John Selden.
John Glynn.
Richard Onslow.
John Cocke.
Thomas, lord Wenman.
Bulstrode Whitelocke.
George Montague.
Edward Partheriche.
Henry Campion.
William Whitaker.
Denzell Holles.
Edward Wingate.
James Fenys.
Poynings Moore.
Edward Bisse, junior.
William Jephson.
Edward Montagu.
Norton Knatchboll.
Thomas Eden.

The present Surveigh of London and Englands State; containing a Typographicall Description of all the particular Forts, Redoubts, Breast-works, and Trenches newly erected round about the Citie, on both sides of the River, with the several Fortifications thereof: And a perfect Relation of some fatall Accidents, and other Disasters, which fell out in the City and Countrey, during the Authors abode there: Intermingled also with certaine severall Observations, worthie of Light and Memorie. By William Lithgow.

London, Printed by J. O., 1643.

The parliament did not confide so implicitly in their army under Essex as to neglect measures for defending London. Lines and redoubts were raised, at constructing which, the inhabitants, both men and women, laboured with the most unremitting zeal. Of these defensive preparations a minute and curious account will be found in the following tract. William Lith-

gow, the author, was born in Lanerk, in Scotland, and bred a tailor, but having a large infusion of the wandering spirit common to his countrymen, he travelled through great part of the countries surrounding the Mediterranean, and was thrown into the inquisition at Malaga. Of his travels and sufferings he published an account in most inflated language, which can only be compared to Coriat's Cruelities. On his return, he petitioned the king for redress against the Spaniards, and was charged, by Gondamer, in the presence-chamber, with having invented his whole legend; on which the high-souled traveller struck him, or, in his own phrase, "contrabanded his fistula with a fist;" for which he lay in prison till the ambassador's departure. This circumstance did not increase Lithgow's reverence for the house of Stuart, which was, moreover, diminished by his zeal for presbytery. It grieves me to say, that his countrymen adopted the opinion of the Spaniard; and the lower rank, with whom, notwithstanding, his book was long a favourite, distinguished him by the epithet of Lying Lithgow.

The account which the pamphlet gives of the state of London is very interesting.

The present Surveigh of London and Englands State.

After long fourtie yeares wandring, since my first launching abroad to surveigh the spacious bounds and tertiat face of the ancient world, besides my daily fastidious, and now frequent predestriat progresses at home, and in neighbour regions about, and being fallen in the rotten bosome of declyning age, the sun being set on the winter day of mine elabourat time, and that time past threescore years; yet now, I say, for diverse serious respects, in this instant year, 1643, April 24th, it was my resolution to imbarke at Preston Pannes, with sundrie passengers bound for London; where, weighing ankers, and hoysing saile, with roome winds and fair weather, we coasted along the Brittannian shoare. In all which deserted way, betweene Forth and Gravesend, wee found onely three ships, two Scotsmen and a Noruegian, and one of the royall whelps lying at anker in Aermouth road, which made the sea resemble a wildernesse, and the devasted shoare the comfortlesse sight of a desolate land; where never heretofore (winter excepted) these Tritonian bounds were seen (reciprocally taken) without 2000 saile recoursing that sandie and shelfy marine.

But the estate and affaires of this world are ever ranging, ever changing, never constant; which made Solon tell Cræsus, that man should never reckon on the felicity of this life, because there might be a mutability of fortune ere death. The like may I now say of deplorable Germanie, lately the mother soyle of Europe, yea, and the glorie of the whole universe, that never, in these dayes of antiquitie, could Chaldea, Chelfania, Assyria, and Mesopotamia, the foure principall pastures for the first creation, compare with that almost invincible empyre, for princes, potentates, nobilitie, imperiall cities, gentrie, merchants, and rich bowres; no, no; for it was the superabounding fullnesse of men, money, and might, and, indeed, nothing inferior (the fall of Adam reserved) to the first orientall paradise. And yet, when the fullnesse of their pride, luxurie, gluttonie, and libidinous lusts were sprung on high, and crying for Heavens all-commanding judgments, how soon, with the sword, plague, and famine, were they thrown down upon the desperat rocks of grievous desolation. And who can tell (it is now begun) how soon the like punishment may fall upon this isle; the south part whereof, being loaden with self-love, vain glory, the fatnesse of vices, ambitious pride, and a contemptible disdain of all nations, themselves excepted; so that their backs and bellies, like unto Castor and Pollux, are become the loadstone of their flattering follies and pampering pleasures; that, without some condigne correction, they might easily (in a manner) forget the Creatour, and so the creature. Spain, in this chastisement, may second Germany; France may resemble Spaine; and, I fear, ere long, (which God evert) England shall be left the last mourner of all; bearing now (as it were) almost the very,

effigie of the distracted and combustible kingdomes in this Europian tierce upon the shoulders of her declining fortune.

But now, reverting to my purpose, the first news I heard at my disbarking was, the down-casting of the golden crosse in Cheap-side, to the which, with speed, I approached, where I saw divers imagious relicts tumbling down in the bottomlesse pit of oblivion. Upon the sequell day, May 4th, it was razed to the ground, and the foundation thereof made levell with the street, which was not done by tumult, but by order of parliament. And now I will neither commend nor condemne the fact, but this far I dare say,—whilst it stood, it was a monumentall ornament worthy of a royall citie, and the beautifull object of admiration to all spectatours and strangers. But, indeed, some idolatrous papists made it (in going by) the sanctuarie of their superstition, making homage to it, and, crossing their now crossed breasts, have left the golden crosse, to fall down, like Dagon, at the feet of a happie begun reformation. So, the third day thereafter, they caused take downe all the new and old crosses standing on churches and steeple-tops; and notwithstanding whereof, I still carry six crosses on my arme, and the seventh crosse still followeth me, against my will, which the world may help, and I cannot prevent. Next, upon Weddinsday ensuing, May 10th, by order of parliament, I saw, at noone day, two great heaps of books burned, both where the golden crosse formerly stood, and before the Royall Exchange; which books had been compyled by the popish prelaticall faction, for tollerating, on the Sabboth-day, sportings, pastimes, prophane playes, and so, consequently, all sorts of labour, (as the papists do, at this day, in the popes own patrimoniall lands,) prohibiting afternoone sermons, and commanding the erection of altars and homages thereto; which was done for the introduction of the masse, and other infinite pendicles of poperie.

And now, truely, I never saw London, these fourtie yeares past, so populous as now it is; only there is a general muttering that money is hard to come by, and that is, because all kinde of trades and trading begin to decay, and they who have money keep it close; for common imployments are lately metamorphosed in flying colours, toucking of drummes, inveloping scarffs, and Pandedalian feathers, wherein they have more pleasure than profite: and yet it best agrees with the peoples nature, who delight mainly in publick showes and frivole ostentations. Indeed, for victuals they have abundance, and plenty of all things, and at an easie rate, and want for nothing as yet, save onely peace.

But it may truly be feared, that if these their generall combustions draw to a winter leaguer, that both the city and kingdome shall smart for it: And why? Because both the great armies, and also the pettie armies in every county, do so sack and spoil the grounds, of horses, bestiall, grasse, corne, and haye, and also pitifully plunder the people of moneys, victuals, and domestick furniture, that the continuing of it in a short time shall ruine all.

And now to begin with the cities insides, before I come to its outsides and fortifications:—I found the river, from Ratcliffe upwards, full of merchant ships, and they lying two and two, and side to side, with a pretty distance from couple to couple, resembled as though they had been to make a sea fight; but indeed they ly at their guard, and are well provided. The first lamentation their tongues offered me here was, the dearth and scarcity of coals; and notwithstanding of the daily relief they get from Scotland, yet they are loath to part with money, and, in a wringing way, and grudging at their infranchized lot, heavily bewaile the losse of their advantagious Tyne. I confesse their weekly taxes are great, levyed to maintaine the parliaments armie, besides many other burthens that daily depend upon their purses; and for all this (besides the monthly contributions of the nine circumjacent counteis) the armies pay fals daily short, and they can neither march nor fight for lack of moneyes, the want whereof being the main and chiefest cause of their slow proceedings: Which weekly collections, according to

that multipotent place, and the country about, is truely supposed to amount (per annum) to three millions of money. But how it is disposed, either by the hands of corruption, or if reserved policy, for future respects, bee the maine restraint, I cease to discerne it, though many thousands daily gape for it. Which makes me call to minde, that, when the last Constantine lost Constantinople, Mahomet the Second, the great Turke, found such store of gold and silver amongst the inhabitants, that he, sighing, said, O! if the Christians had been as bountifull for their own defensive safety as they had substance to do it, all the power of the Scythian Ottomans had never been able to have dantoned their might. So, peradventure, the like (as God forbid) may be said of London, if it should fall out so: then would these rotten money-mongers, lurking within her bowels, bee left the miserable and mourning spectators (as the Greeks were) upon their own idolatrized coyne; for the long delicacie of doting peace and pleasure so effeminates the world, that they beginne to spurne at trouble before distresse appear, which sensualitie begets, and disdainfull pride would contemne, and yet cannot prevent what the heavens determine.

Now for a general view:—The citie hath many courts du guard, with new barrocaded posts, and they strongly girded with great chaines of yron; and all the opening passages at street ends, for the fields and road wayes, are in like manner made defensive, and strictly watched. The sides of the river, as at Billinsgate, and other places, have also courts du guard, and they nightly guarded with companies of the train-bands; which number being of six old regiments, and they six thousand men, are now doubled with six new regiments, which maketh up twelve thousands in all. Beyond the river, in the borrough of Southwark, is the self same discipline observed, and all under the command of the citie. So is Westminster, the Strand, and all the liberties thereof, now taken in under the custodie of London; and their train-bands there, I mean, of Westminster, are not betrusted with neither parliament nor citie; so that the quotidian guard of the parliament come daily out of London, where they are placed in two courts of guard, the one before the hall in the palace court, near to the water staires; the other court du guard standeth in the parliament yard, where the peers ascend and descend from the upper house. Both houses of peeres and commons having double centinels, with picke and musquet, at the entrie of their sitting places, remaine there ay as long as the parliamentariat bodies remaine: the number of the upper house amounteth to twenty-six noblemen, besides eight others at sea and land service; the lower house, by a just computation of the clark, and given to me in print, amount to two hundred and twelve knights and commissioners, besides the deserted persons of both houses, and some of them lately returned. And what shall I say?—I found the street-enravelld court, before White-hall gate, guarded also with a court du guard, a noveltie beyond novelties; and what was more rarer, I found the grasse growing deep in the royall courts of the kings house, which indeed was a lamentable sight: and in that sight I rancountered thereabouts with George Withers, my fellow-poet, and once my fellow-prisoner; where, digesting some discourses, (for he is now a captain of a horse troupe,) he told me that he had beene plundered at Michalmes last by some of the kings forces in Surray; for there he hath a wife and residence; where, being civilized, his poetick mansion met with uncivill fellowes, I would say malignants.

And here I may not forget the false and lying aspersions laid upon Scotland lately by two English authors; the one work named, "The Plain English," where his perjuriat falshood averres, that we hold and enjoy our present peace and safety of some of their peeres in England; when, contrariwise, they hold their parliament and present libertie of Scotland, and our invincible armie, which procured it. The other worke, intituled, "The Subjects Liberty," will have Scotland at the first but a dukedome, and in subjection to England. See how these damnable villaines can come and invent (as they please) such base absurdities, and yet go free unpunished. And why? Because they

have, from ancient and preteriat times, a generall and natural malignitie against our nation, which neither can, nor will be extermined till the day of doome; for it runneth in a successive line, as the conduit from the fountaine ingorgeth the pond. I would speake more freely here, and that justly, but that I do not love to be accounted for a malignant, whilst there are too many already of that sycophantick kinde in both kingdomes; and so I proceed in a fair way.

The daily musters and showes of all sorts of Londoners here were wondrous commendable, in marching to the fields and out-works (as merchants, silk-men, macers, shop-keepers, &c.) with great alacritie, carrying on their shoulders yron mattocks and wooden shovels; with roaring drummes, flying colours, and girded swords; most companies being also interlarded with ladies, women, and girles; two and two carrying baskets, for to advance the labour, where divers wrought till they fell sick of their pains. All the trades, and whole inhabitants (the insey courts excepted) within the citie, liberties, suburbs, and circumjacent dependencies, went, day about, to all quarters, for the erection of their forts and trenches; and this hath continued these foure months past; the half of which time I was a spectator to their laborious toyle, as after you shall hear. The greatest company which I observed to march out, according to their turnes, were the taylours, carrying fourtie-six collours, and seconded with eight thousand lusty men. The next in greatnesse of number were the watermen, amounting to seven thousand tuggers, carrying thirty-seven collours: the shoe-makers were five thousand and oddes, carrying twenty-nine collors; and indeed the gentle craft could never heretofore have mustered so many here, since Crispus and Crispianus, the two supposed princes, their patrones, forsook the trade. Neither in this catalogue dare I forget the porters, that marched forth one day toward Tayburne fields, carrying twentie-three collours, being three thousand white shirts: and (*verbi gratia*) upon that same day, a thousand oyster wives advanced from Billinsgate, through Cheapside, to Crabtree field, all alone, with drummes and flying collours, and in a civil manner, their goddess Bellona leading them in a martiall way. The next day following, May 17th, the felt-makers, fishmongers, and coupers marched three several wayes to three sundrie fields, carrying twenty-four collours, had their number amounted to three thousand and odds.

And now, to shun prolixitie, let the ingenious reader judge what number of numbers would these sequel trades be; as goldsmiths, ferriers, bakers, bruers, butchers, cooks, candle-makers, smiths, cutlers, carpenters, shipwrights, joyners, box-makers, wheelewrights, turners, carmers, and foure thousand weavers, braziers, dyers, imbrouderers, horologiers, watch makers, engravers, tinkers, haberdashers, feather-makers, clothiers, tanners, curriers, glovers, spurriers, painters, printers, stationers, bookbinders, gun-makers, glaziers, masons, tecturers, brick-makers, plumbers, upholsterers, combe-makers, girdlers, coblers, chimney-sweepers, jack-farmers, with many more, that I cannot recollect. Which, indeed, (as they are of a marvellous great number,) so it was a delicat observation, to consider and remarke the indefatigable multitude and strength of the city, never heretofore practised nor exercised; the computation whereof may facitly amount to an hundred thousand able men, not reckoning any above fifty years of age, although the latter number would far exceed the former.

And now, closing this preceeding passage, behold the superstitious holy dayes in the city and countrey are not as hitherto abolished, neither have they a seeming purpose to abandon them, because they are the baites of prophane pleasures and vitious wantonnesse, which their gadding inclinations love rather to follow than forsake. Neither is their service-book exterminated, but, in an ambiguous way, some churches professing it, and other some disallowing it. I will not here expostulate between the mean and the manner, but surely there is a great wisdome visibly seene in the generall councell, that will not enforce a sudden alteration upon the people, till weightier matters be first settled, lest the one half should devoure the other, and the common estate of the com-

mon-weal be miserably ramversed; for as the Italian saith, *chiua pianouasano*, so say we, that soft fire makes sweet malt: even so, the prudent proceeding of provident policie must with a multitude dallie, as the fisherman doth with a hooked salmond, lets him strugle in the streame a while, and then softly steales him to the land, where he is catched, and dispatched. And now, the nature of man would ever either hear or see novelties; and here a speciall one:—The Tower of London, from long antiquitie, wont ever to guard the city, as the eagle keeps her young ones from the griffon; but now the citie guards day and night the Tower, lest Bishop Laud and Bishop Wren should leap out through the iron windowes, to swim on Thames, and that Euripus to swallow them down, which should be a great pitie, if the popes indulgences could prevent it. And now I recall, at my first coming here, it was agitate in parliament to send these two ghostly fathers to New England, that the great ocean, before their arrivall there, might purge them (like to purgatory) of all the corruptions and perfidious knaveries they had done in England, with many others, these twenty-five yeares: This resolution was relented, which many a heart lamented; but it may be, against the next spring, they will either make saile or hing. The citie now hath fourteen horse troupes, that scoute the high-wayes both day and night, and ride the round nightly, twice about the foot squadrons, where so their centinels are set at watch, and themselves to stand on guard; for this is the militarie way of Mars.

And now, coming to my maine purpose, I wish the reader should but conceive, as my pen shal let him see, the fairest encompassed city in all Europe, which my pedestriall march in twelve hours time painfully performed. And thus, three dayes before my departure thence, I approached, to make the toure round about, and descending to the lower end of Wappine, there I beganne my circuit. Then here, close by the houses and the river Thames, I found a seven-angled fort, erected of turffe, sand, watles, and earthen worke, (as all the rest are composed of the like,) having nine port-holes, and as many cannons; and, near the top, round about pallosaded with sharpe wooden stakes, fixt in the bulwarkes, right out, and a foot distant from another, which are defensive for suddain scalets, and single ditched below, with a court du guard within. Advancing thence along the trench dyke (for all the trenches are deep ditched about) which runneth through Wappine fields to the further end of White-chappell, a great way without Aldgate, and on the road-way to Essex, I saw a nine-angled fort, only pallosaded and single ditched, and planted with seven pieces of brazen ordonance, and a court du guard, composed of timber, and thatched with tyle-stone, as all the rest are: where, towards Myle-end Green, I beheld there two pettie forts, or redoubts, each of them with three ports, and they cannoned, stand within an intrenched closure, having five courts du guard, that secure the passage-way. From White-chappell Fort, north-westward, I trenched along the trenches to Shoarditch Fort, standing mainly quadrangled, single pallosaded, and single ditched, carrying, on three corners of the four, eight demi-canons, and a royall court du guard within: and without which, and at Kingsland, (being the old post way for Scotland,) there stands two earthen rampires, with two courts du guard. Thence return'd, I followed along the champaine breast-workes to Hogston, where I found a quadrat fort, well pallosaded, and planted with five cannons at the two field corners; the strength is double ditched, and, betweene the two, it is strongly barrocaded with wooden stakes, everie stake, neare the top, being fenced with three iron hookes of a span long. Thence I marched through Fineberry fields along the trench, (enclosing there Moorefields,) and came to Mount Mil-hill Fort, (for all the forts about are blank and blank in sight of other,) where being arryved, I found it standing on the high-way, near to the Red Bull: This is a large and singular fortification, having a fort above, and within a fort, the lowest consisting of five angles; two whereof, towards the fields, are each of them thrice ported, having as many great cannon, with a flanking piece from a hid corner: the upper fort, standing circular, is furnished with eleven pieces of can-

non reall, which command all the rest; and upon the bosome top of all standeth a windmill: the lower bulwarks are first pallosaded round about, and near their tops, and then in the middle flank, between the two ditches, strongly barrocaded; beside two countercarps, and three redoubts of lesser importance; yet all defensive: this is one of the chief forts about the city, and first erected. Thence footing along the trench dyke, (which is three yards thick, and on the ditch side twice as high,) I courted Islington, at the lower end whereof I found a strong and large strength, called Waterfield Fort, having, within two utter workes, a circularie mount, stored with nine great pieces of artillerie, and on the point of a countercarp, three pieces more: there I saw the longest court du guard (being longer then two ordinarie churches) that I have seen as yet. A little further (about ten paire buts) I approached to Islington hill, where there is erected a most rare and admirable fortification, called Strawes Fort, but now Fort Royall. It hath eight angles, and a specious interlarding distance between each of the cornerd bulwarks. This fort is marvellous perspicuous and prospective, both for city and countrey, commanding all the other inferiour fortifications near and about that part of the enclining grounds. The north-east corner bulwark is double altified above the rest of the worke, carrying, on the two sides thereof, six cannon royall; and the two south and west corners are mutually charged, on each of them, with two half culverins of brasse; and the east promontoriat corner adorned with three whole cannon. The altified bulwark is twice pallosaded; and, at the root of the work, answerable to the top of the inmost ditch, it is strongly barrocaded: the middle place, between the two ditches, is enravelled all about with low wooden stakes, and long pikes of throwne pointed iron: and without all which works there is a breastwork cast up, and made defensive, either for the first assault or for the second invasion.

Descending thence to Holburne fields, I accoasted a strength, named Pinder of Wa k fields Fort, being onely quadrangled, pallosaded, and single ditched, and enstalled with five great ordonance, and a court du guard. Abandoning the place, and shoaring along the trench a little further, to Longfield, I presently rancountred with Northampton Fort, consisting of two divided quadrangled bulwarks, and each of them garnished with foure demi-culverins of brasse; the interveening distance fortified: the two former bodies are pallosaded, double ditched, and the middle division whereof barrocaded with stakes a yard high, and each of them hooked with three counter-thwarting pikes of iron: Whence, conducted along with the trenches through S. Geilles fields, I arrived at Crabtree Fort, in Crabtree fields, standing in a quadrangle, and loaded with six culverines of brasse, placed on the two field corners, defying the malignants, or what assailants may there encroach: the fort is pallosaded above, double ditched below, and barrocaded, in the middle division, with thick standing stakes, and they conterbanded with thwarting iron pyks; and a stately court du guard within.

Leaving this, and marching along the circulary line, it grieved me to see so many rich grounds of grasse utterly spoyled with the erection of these works, insomuch, that horse and cattell certaynels will come short of their food there for seven years, and the owners thereof must fall pittyfully short of their yearly profits; for where trouble is, then cometh misery. Having left the aforesaid fort, I saluted the Banqueting-house fortresse, composed of two forts upon Tayburne way and Maribone fields: here I found both the forts answerable to other, the way only divyding them; and they both pallosaded, double ditched, and barrocaded with iron pyks; the one cled with eight demi-canon, and the other fenced with foure semi-culverines of iron; both wondrous defensible. A little advanced from this Tayburnian passage, I insulted upon Serjeants Fort, composed mainly of foure angles, a court du guard, five piece of ordonance, and fortifyed, in all things, just like to the former. Departing thence, I shortly encroached upon Head Park Corner Fort, which is a maine great strength, having one fort above, and within another; and the third fort, closing the road-way, standeth breasting the other two:

the utmost inveloped fort, overtopping the other two, is garnished with eight cannon reall; and on the inferiour bulwark, northward, being a second part of the forts maine body, there bee intrusted there five brazen half-cannons more; and before it, towards the fields, a breasting countercarp: the third dependant fort standeth enstald with six demi-culverines; amounting to nineteen of all. This great fortification is but only pallosaded and single ditched, yet wonderfull strong, and of great bounds; all the three having seventeen angles. And this is the westmost fortification, enclosing the park, the fields, the large mansion, and other enlargements belonging to S. James his liberty. Thence drayning along a devalling trench, through Milk-field, toward Tuttle-fields, I rancountred with two half-moon workes, some ten paire buttes distant, both of them pallosaded, barrocaded with irne picks, and each of them planted with three demie-cannon of brasse: both these works stand sighting Chelsay. Whence, breasting along the breastworkes, I happily imbraced Tutlefield Fort, my familiar ground, of old acquaintance. This fortresse is composed of nyne angles, being pallosaded, and only double ditched, and surcharged, at the south and west corners, with six pieces of ordinance, and a court du guard. Here is an end of Midlesex labour; from which posternall place, I courted the river syde, and crossed over to Lambeth, in Surray: In the head of which town, westward, and close by the river, I visited the Nyne-Elmes Fort, composed of foure angles, five ports, and five demi-culverines, being slenderly pallosaded, and single ditched; for this fort and Tuttle Fort stand opposite to other, the river only dividing them. Whence, following my circulary progresse, I enhanced my desired view of Fauxhall Fort, which, indeed, is a delicate, large, and defensive work, being twice pallosaded, once ditched, and bearing the burthen of fourteen culverines. And hence, transported amaine, with a greedy desire to surveigh S. Georges Field, I found, half way hither, a singular countercarp, and fortified, besides workmanship, with three half culverines: and then I arryved at the Fort Royall, in Georges Field; which, indeed, of all the works I have as yet made mention of, this is the only rarest and fairest, and contryved and reared after the moderne modell of an impregnant citadale, having foure large bulwarks, every one counterbanding another, from flank to flank; and the foure interveining quarters are also interlaced with spacious and defensible midworks: the maine bosome of which, with the incumbent insides of the foure promontories, may easily containe three thousand men; the foure corners being destinated for twenty-foure cannon reall. The exteriour works are not as yet accomplished, (although fast advancing,) but certainly they will bee perfyted after the Londonian forts, as I have newly rehearsed; neither are the trenches done, which are drawn along thence to the top of Southwark, called Nevington Fort; the which is composed of two flanking redoubts, divyding nine pieces of ordonance between them, having two courts du guard, and backed with two countercarps, infringing the roadway passenger, till a condigne tryall of what are you, what carry you, and from whence came you, bee demanded. Hence I continued my purpose to the top of Kent Street, and found there only a circulary rampire of smal importance, fensed with a single ditch, between two ditches, and enstald with five piece of ordonance; and so is the other, at the back of Redreiff, but more defensible than the other; yet they are both to be interlarded with redoubts and countercarps in the intrenched grounds. So here, at Redreiff Fort, just opposite to Wapine Fort, I finished the pilgrimagious toyle of a wearisome dayes journey, the circuit whereof, on both sides the river, amounteth to eighteen Kentish myles. From which I may say, that London was never truly London till now; for now she sits like a noble lady upon a royall thron, securing all her encroaching pendicles under the wings of a motherly protection: yet these limites were never heretofore granted, till the parliament, for their better safety, confirmed this construction, that (Grand Cayro excepted) I have not seen a larger inveloped compasse within the whole universe. By which computation, I apprehend that this circuit comprehends above five hundred thousand dwelling houses, and in them large three millions of soules;

that, me thinkes, he were a happy prince that could be but only king of such a city as London now sits intrenched, though he had no more provinces besides. And now the maine number of all these circulating fortresses (besides redoubtes, countercarps, and half-moon workes, along the trenches) amount to twenty-foure forts in all; and upon them planted and resetled two hundred and twelve pieces of cannon; which, indeed, is a mighty and tremenduous sight; where Vulcan and Bellona mean to make a bloody match, if the esurious assailants should come, in a tragicall, inconsiderable way, to surpryse the virginitie of these new and now almost finished fortifications, which, indeed, have been very chargeable to the city, and daily will bee more; for all the port-holes are soled and syded with timber; the platformes where the cannons ly are laid with strong oaken planks; all the ordonance are mounted upon new wheeles; besides the pallosading and barrocading of them without, with yron workes and other engynes.

And now sorest, in the daily maintaining of commanders and forces into them, with ammunition, and all things necessarie, both for the forts and souldiers. But it is no matter; let Guildhall pay for all; for there lyeth the treasurie and weekly collections of the citie, which amounteth to twelve thousand pound starling, a-week besides the countrey about: and, moreover, the customes, the royall rents, the episcopall revenues, the plundring of malignants, and all lye there; where there are sitting a daily committee, appointed by the parliament and city, who have the disposing of all, as they think fitting: notwithstanding, they must returne their accounts to both the houses.

And now, in discoursing of these forts, I have beene somewhat prolixious, not usuall in my former styles, but done of purpose, that the reader may conceive by paper which I have known by occular experience; and so I proceed.

Now, to observe in these following consequences my former condition, I will bee as indifferent as these relenting times may suffer me; and thus I begin:—The chiefest conflicts and accidents, which actually fell out in my being here, were onely three. The first was the intaking of Redding, by Generall Essex, and that repulsing skirmish fought at Cussan-bridge, the royall patriot of the countrey being there in person; for surrendring of which towne, Colonell Fielding, then governour thereof, was lately condemned, by a councell of war held at Oxford, to bee shot dead at a post.

The second accidental blow, May 12th, was that conflict in Cornwall, where Sir Ralph Hapton prevailed against some of the earle of Stamfords forces; he being for the time in Exceter, and had left five traind bands of that county to second his intrenched brigad; which, when Hapton fell on, they fled, and left Stamfords forces to finde the sweet and smart of life and death from the adversarie; some taken, and some dispatchd: and yet Stamford was equall with that defeat the day following. Hapton was and is for his majestie, and Lord Stamford for the parliament.

The third, and most remarkable of all, was that prevalent victorie, May 20th, which the lord Fairfax son obtained at Wakfield, in Yorkshyre, against Colonell Gowring and his forces, being a part of the queenes armie, led under Generall King, a conjunct with the Lord Newcastle; where Fairfax put to flight and rout the whole brigad, taking Colonell Gowring prisoner, with twenty-five pryme officers, and fifteene hundred common souldiers; so that none escaped save some few horse troupes, and a few of them slain; for the which auspicious happinesse, there was solemn thanks given to God through all the churches in London, May 28th, being Sunday; and this gratefull celebration was ordered by the parliament to be done. Colonell Gowring and a lieutenant-colonell, with some sergeant-majors and speciall captaines, were sent to Sir John Hottam, governour of Hull, to be entertained there as captives, because they love powder so well: there is a great magazin standing there; where I leave them to smart, till they find a better heart. But, by your leave, Gowring was once taken afore, by the parliaments forces, and thereafter swore, at his enlargement, never to carry armes any more against them: but now what the councell of war will modifie I know not: let

mercy or the martiall law decyde it. Neither will I meddle here with that promiscuous battel fought at Edgehill, or Keynton, where both the armies left other, without either flight or following; nor will I report of that unhappy busines of Brandford, (though in the end it proved happie for London;) because they do carry reflection to a greater eminency than my pen dare to contend with.

And, indeed, all the counties of England (except the five confederat counties, and Kent, that are (and many more) for the great councell) are in a combustion, some for the papists, some for the parliament, and all for the king. But understand me better, and be not misled:—Take not this generall uproare (as I may say) to bee between our gracious king and his loving subjects; no, no; the quarrel dependeth only and absolutely betweene the papists and prostestants; for either must the Gospel prevail with us, else their idolatrie shall overtrample all; and therefore looke to it who may, for here is the main matter. And yet observe more:—Policie was wont to depend upon prudencie and providence, vertue being the sole foundation of both; but now it dependeth upon perjury and falshood, perfidious dissimulation being the ground-worke of its deceitfulnesse, and a sophisticall habit the sycophantick boldnesse of its brazen face. Great God amend it; else speedilie mend it; for this distracted isle is over-burdened with the filthie contagion of its forsworne falsities, and honesty and honour miserably misregarded.

Neither may I forget that hard and unkindly usage that some of my country gallants have got there, being about an hundred and fifty of them, all officers and souldiers of fortune, and all and most of them being enroll'd: some have attended ten months, some longer, some lesser time, and yet can neither get employment, pay, nor passe from the parliament, to their great undoing, and losse of time. But, indeed, at their first going to the field, (not they,) but some other speciall commanders, were held in great estimation; but as soone as the English begun to learn the militarie art of discipline from our Scots cavaliers, they begun to contemne them, and wring them out, piece and piece, from their imployments and charge. I will not herein particularize any more, (although duety commandeth me,) least I be found refractary to that quiet and happy looked-for association. But, indeed, their contemptible ambition cannot away with our generous countreymen any longer than they have reacquisted their owne ends.

And now, some of their flattering ruffians begin to direct their soldiers with lectorall lessons, as doting Phormio would have taught Hannibal to fight; and, forgetting the true discipline, would put all upon ignorant practise. So, now I call to minde, about Whitsontide last, there was such an exclamation against the Scots, for a weeks time, as was pittyfull to hear; tearming us (commonly and disdainfully) false Scots, with many other incompatible execrations: and those their calumnies and despight arose from an imployment sent from Chester to York. The effect wee know; the event is not finished: but this I may say, since that imploring missive was published here in print, the name of a Scot is growne so odious amongst Londoners, as the name of Satan is to the soule of a sainct: Yet they are still longing and praying for our help. But wishing and woulding (we say) makes poore householding: nay, their tongues challenge our assistance by way of obligation, affirming that we first begun it, and therefore should help to end it: to whom I often answered, that this combustion came first from them, and now it is returned again in their own bosome. And Scotland hath done for them (said I) which they could not do for themselves, which you all acknowledge, and yet are ungratefull. And besides the great summes of moneys resting indebted by their publict faith to our nation, for that friendly aide, yet our kingdome keeps now an army in Ireland. to danton these bloudy rebels, set against your peace and our profession; and as yet they have received no acknowledgement from your parliament therefore. And, said I, cast away your ceremonies, your holy daies, superstitious rites, your Romish letanie, your dregs of popery, and upbraiding of

our cavaliers, and then will Scotland prove a true sister to England; which if not, why should they go fight to maintaine your fopperies? Many such expostulations had I with hundreds of them; the recitation whereof, to avoide prolixitie, I purposely omit. And notwithstanding whereof, yet the groaning and mourning people crave commisseration; for even now they are begun to collect a severall domestick contribution through London, and the now enclosed circumjacent parts thereof, for the regaining of coale again winter; and thus every house, according to the chaulders they spend, lesse or more, yearly, shall presently advance as much money, (to set forth a present navy and forces, for recovering of Newcastle,) viz. twenty shillings sterling for the chaulder; and are to receive the coales (when they get them) at the same rate; which will draw to a marveilous masse of money, since the meanest house will spend three or foure chaulder a-year. So is there amongst the adventurers here, for the relief of Ireland, another colection presently in hand, and for defraying the charges of the Scottish army there. And many like burthens have the people lying upon their necks, besides the hebdomadall and domesticall pay of Essex army; the continuance of which will utterly undo the poorer sort, and make the rich to grumble.

And I may not thrust in oblivion here the great sea navy, weekly maintained, by the parliament and people, round about the coasts of England and Ireland, though to small purpose, yet to an infinite deale of charges; which, indeed, the commons must bear: the parliament command, and the shoare-loytering lubbards consume. But now to returne to both armies:—At this instant, June 28th, they are lying within foure miles of other, and near to Oxford, where selected troup partyes, on both sides, now and then are snarling at other, like unto Hircanian wolves, but seldome byte, unles it be with a flying farewell. The parliaments army is thirty thousand strong, and daily grow stronger and stronger, both out of Kent, the city, and the confederat countyes. The kings army, but rather the papists and malignants forces, are no wayes answerable to their adversaries number, neither for pay nor power.

But, I must confesse, they are both grievous plunderers of the commons, wheresoever they come; although the parliaments army be daily and orderly payed, which the other is not. And it is daily expected they shall shortly either fight or flee, or else do both; where, after which, wee hope the papists shall seize upon the mountains of Wales for their refuge; for if it draw (as it is very likely) to a locall and lingering war, the whole kingdome shall be utterly spoyled and undone before the next approaching yeare. As for their captives;—on both sides they are many, and left misregarded; neither will they interchange quality for quality with other; and our countreymen, Sir William Ballantine and Colonell Cocheran, with divers others, ly incarcerated in Windsore Castle, under the parliaments reverence: so are also Colonell Connesby, Sir William Crofts, Englishmen, and many other cavaliers, enthralld at Bristoll, under the same reverence and condition; besides Canterburryes house, in Lambeth, now filld full of the like stuffe, and honest Doctor Lichton appointed for their keeper: which countryman of ours was pittifully disfigured and demayned by the villanous tyrannicall despight of William Laud, who shortly is to undergo his tryals for his former treason, as the parliament have newly declared. Observe here Gods providence, how Lichton, being but lately released from long imprisonment, is now put in Lauds house, and cruell Laud, expuls'd from his princely mansion, is now lying fast prisoner in the Tower. Being both physicians, Lauds charge should have been for the soule; but, indeed, Lichton is a honester physitian for the body, and a better Christian, which crowneth all.

And to engrosse here further discourse:—Colonell Bruce is newly committed to prison by the parliament, and his goods, that were imbarked for Scotland, are disbarked again, and retained for the parliaments use, till further tryall be had of his negotiating in Ireland, these certain yeares past, with the meer and barbarous Irish, and upon what authority he went there so often.

About this time, June 23d, Colonell Hurry made a start to Oxford, having just reason, considering diverse affronts he had received, and could not be righted, neither by committees nor martiall law, which here I forbear to particularize. But we expect, ere long, he shall deservingly repay all. And why? Because there is nought can kill merit sooner than ingratitude, nor enforce a noble disposition to be longer indebted to a misregarding friend, than a just revenge commands expedition. And let me tell you, that now, presently, the sea here and there is spotted with Dunkirker frigots, under the collour of Irish rogues; and Fammouth, in Cornewall, is become the mother harlot of these bastard-begotten brigants, being the chief place of their receptance and refuge. I will not touch here the condition, nor manner how, because understanding may conceive it. And now the convention of some sound and learned divines is presently in hand, who were summoned hither by parliamentall power, to sit and meet in Westminster palace, for reforming of religion, and in abolishing the former fopperies thereof; and they are to continue there during the indurance of parliament, being to be assisted with some nobles and members of the house of commons, for the better performance of their burdenable taske, where I leave them to a happy conclusion.

Neither may I here obumbrate the memorie of this late designe framed for the overthrow of parliament and London, the discoverie and deliverie whereof was wonderfull, and yet the purpose far more cruel, if it had taken effect: I will not further insist herein, since the oracle of the lower house hath twice already most largely manifested the same, both under print and power. But this much I may avouch, that if that unnatural attempt had prevailed, then and there had I doubtless suffered with the rest; for now as I live to Malaga a living martyre, so then they had sacrifized me with London, a dying martyre. Yea, and the like designe, and that same time, was contrived against Bristol, whereupon there were two of the villaines hanged for their paines. There was a solemne thanksgiving to God through London, June 15th, and the countrey about, for that happie day of their deliverance, and fourty-six of their adversaries taken, and under tryall of the martiall law. And although every man wisheth and speaketh as he affects, yet have I indifferently (like to the passenger sayling betweene Scylla and Charibdis) carryed my selfe to neither hand, but in a just way keeping a right course, least I should have offended the truth, and so have slaine the honesty of my good intention; for although it is impossible to give all parties content, yet I had rather please many as to offend any. And now to close: Almighty God preserve aright and sanctifie the royall heart of our dread liege and governour. And now, good Lord, either in thy mercy convert the papists, else in thy furie confound them, and turne their bloudy swords back in their own bosomes, that their devilish designes may never henceforth prevaile any more against thy saints and choicelings; and send us, and all true beleevers, the life and light of peace and truth. Amen.

FINIS.

King Charles his Defence against some trayterous Observations upon King James his Judgment of a King and of a Tyrant; with a necessary Preamble against evill Counsellors of Princes. 1642.

Ecclesiastes, viii. 4.
Where the word of a king is, there is power; and who may say unto him, what doest thou?

James I. had used his pen against papal supremacy, in his "Defence of the Rights of Kings, and the Independence of their Crowns." From passages in this book, and in his speeches, a violent adherent of parliament had drawn up the tract to which this is a reply, proving that Charles I. fell under his father's description of a tyrant. But respect for the king's person, especially among the presbyterian party, long survived even the exasperation of the civil war; and the following answer seems to have flowed rather from that source than from political attachment to the royal cause.

That sentence which Lampridius reciteth out of Marius Maximus is most true, that the commonwealth is better and safer where an evil prince doth govern, than where the princes familiar friends are evill.

For one evill man may be corrected by many that are good; but never many evill men by one, how good soever, can by any reason be convinced and reformed; nay, rather, wicked counsellors make a wicked king, as we read of Ahaziah, 2 Chron. xxii. 3, 4, 5. But, O happy kingdome and commonwealth, whose prince, being very good, doth admit into his familiarity none but those who are very like himselfe. Looke into the 101st Psalm, wherein the economie, or ordering of things appertaining to King David's household, and so the whole government of the kingdome, is excellently described.

Saul was wicked, yet, using the counsell of Samuel, he did many things which otherwise he had not done; contrariwise, no prince is so good that may not be seduced, having evill counsellors.

So long as Joaz, king of Judah, had with him Jehoiada, the priest, a man indued with singular piety and solid erudition, all things well succeeded, both unto him and his whole kingdome; but when (Jehoiada being dead) the king was destitute of men fearing God, and expert in his laws, all things tended unto ruine.

Princes, therefore, ought to spare no expences to acquire and gaine unto themselves new Jehoiadaes. And surely there is no greater instrument or means of a happy kingdome then good counsellors: to be environed with a ring or company of ancient, pious, and prudent counsellors, is a great ornament to a prince, and not only an ornament, but it gives to his actions a happy successe, strikes a terrour into the hearts of his enemies, and induceth his subjects to yeeld him the more willing and faithful obedience; where, on the contrary part, there is no greater plague to a prince than evill counsellors, who are not only a blemish and great dishonour unto him, but cause his actions and enterprizes to have ill event, adds courage to his adversaries, and excites his subjects, not only to the neglect of their due obedience, but to disobedience of his injunctions and commands. Evill counsellors (as we read, 2 Sam. x. 3.) purchase hatred to their prince where good might happen.

This kingdom, that so many years hath flourished in a most tranquil and peaceable estate, like the land promised to flow with milk and hony, (by woful experience, to the untimely losse of so many thousand precious lives,) hath found how our gracious soveraigne lord King Charles hath been, and still is seduced by evill counsellors, moving and animating his majesty to those actions which have heaped on his sacred person, not only the hate of many of his loving subjects, but their bitter exclamations, condemning him as one unworthy to reign over them, and as a king that hath forfeited his crown by acts of tyranny: amongst which sort of clamorous people, or rather barking dogs, one subtle Machiavillian, (who would seem, by some few words, to be a Scot, but, by most of his language, as by common fame, appeareth English bred, and who, I am well assured, is either brownist, anabaptist, or separatist,) this rascall, or (to use the common invented appellation) this round-head (being possest with an evil spirit, far worse then that which brought the ironmonger to his publique ignominy, and meriting ten times worse infliction) hath published, in print, a sheet of paper, intitled, King James his Judgement of a King and of a Tyrant; wherein he labours to prove King Charles (by part of a speech which his royall majesty, of famous memory, once uttered) to be a tyrant, and that the people are no longer his subjects, to obey him in his government, because he hath ceased to govern them according to his lawes, and inclineth to papistrie, &c.

Now, albeit I am one least able to answer this so shameless, unjust, and trayterous impeachment, I (being no papist, but a true protestant) will adventure, (not confiding in my own ability,) but in God's assistance, (in whom only, and not in any mortall man, or worldly means, we are to confide,) to vindicate the right, title, and honour of my most dread soveraigne lord King Charles, with such reasons and arguments as shall not only disanimate that rayling villain to make any reply, but dam up the mouths of many, if not most others of his trayterous brood and faction.

First, therefore, I hold it necessary to define a tyrant. A tyrant is he that hath none other aime but his own private profit, without caring for that of his subjects, and, for his greatness, revenge, or avarice, violates all divine and humane laws; so as he lives in continual distrust of his subjects, and intreats them with all rigour and severitie, against justice.

Now, whether his majesty be such a person, I leave to the judgement of impartial understanding men.

Secondly, his majesty hath not ceased to govern according to his lawes; for his lawes he hath been always forward to maintain; and whatsoever act unlawful, or to the subject distasteful, hath been commanded to be done in his majesties name, before this present parliament, he himself only did it not, but his most honourable privy-counsell, or other eminent officers, by whose eyes and eares his majesty (as all other princes use to do) saw and heard those things which conduced to his benefit, without any intention of oppression, on his majesties part, to the commonwealth, or otherwise his highness, by some eminent persons about him, was thereunto perswaded. And since this parliament began, his majesty hath done all things, during his abode at Whitehall, which both the honourable houses of parliament first approving, have presented to his royall hand; as that act for suppressing of monopolies, which he had been induced to grant, being presented by others, who much abused and deluded his majesty thereby, for their own private profit; also the several acts for the reducing of the rebells in Ireland to their due obedience, and for raising of money to that purpose; besides divers others extant; which do evidently expresse his majesties proclivitie and forwardnesse, not only to govern according to his lawes, but to maintain the true protestant religion, by subverting and extirping the rebellious papists in Ireland: only, since his departure from Whitehall, to avoid the danger of schismatical tumults, his majesty did set up his standard, to raise an army for his own safeguard, (as he hath at large declared,) and not

against his parliament; his commission of array being maintained to be lawful by learned counsell about him: where, on the other side, the parliament have raised forces, to defend both the king and kingdome, and either to confound, or to captivate, and bring to a fair tryall, his majesties evil counsellors and malignant parties; where I am of opinion, that if his majesty could safely quit himself of those malignant parties and his cavaliers, he would soon and gladly return to his parliament, and that he wisheth he had never been absent.

In the mean time, it cannot be said he governs like a tyrant, for he governs not at all, but his parliament, who no sooner command, but are, in all things, obeyed, and whose intentions, I am confident, are sincere and just, and consequently not to be questioned.

To conclude this point, give me leave, I pray you, to recite a short story, which is this:—Archidamus, king of the Lacedemonians, seeing two of his dearest friends at variance, brought them into the temple of Minerva, (the Lacedemonians holding it a most heinous offence not to perform whatsoever was there promised,) and demanded, whether they would have any judge or umpire between them? To which they answered, that they wished Archidamus. Whereupon, he caused either of them to swear that they would do what he should command. They having so sworn, Now, quoth Archidamus, I command you not to depart from hence, until, among yourselves, you be faithfully reconciled; and so left them, who were forced to be soon reconciled accordingly. This prudent prince found by what means he might neither offend both of them by refusing the arbitrement, nor alienate the love of the one from him, if he had given sentence for the other; and I could wish, if wishing might prevail, that the differences between our sovereign lord the king's majesty and his high court of parliament might be in as faire a manner, by some protestant prince, fully determined.

For my part, I cannot rightly declare (neither would I, nor durst I presume, if I could) which side hath greatest cause to complaine, lest, in such case, I should be like one that inhabites the middle roomes of a house, who fears either to be washed with water spilt above him, or to be annoyed with smoke from the rooms below; yet I dare say and swear, for the reasons before alledged, King Charles is no tyrant, neither doth the high and honourable court of parliament, in any one of their declarations, term him a tyrant. Neverthelesse, this reviling traytor, like one presuming or boasting himself to be of greater understanding than any of his superiors, would not only prove his majesty to be a tyrant, but that his subjects owe him no more duty; yea, more, that all his solemn protestations, declarations, and calling God and the world to witnesse, should be examined, what truth is in them, by comparing them with his ordinary and daily practices, and that even from the first entrance of his reign, ever since he wrote that letter of his to the pope, lately published in English, with the pope's letter to him.

Now, for answer hereunto, in the first place, I am confident that his majesty did never write any such letter, nor received any such answer as this most calumnious traytor doth recite; but if any such letter and answer be printed, or divulged in manuscript, they are merely invented by him, or some such other; like the royall letter named to have been sent by the king of France to the king of England, and the king of England's answer to the same, which were all compact (for the most part) of inkhorne fustain, or affected words, beneath a king's dialect or manner of writing.

Secondly, suppose it were granted that King Charles wrote such a letter to the pope, and that his majestie, at that time in the beginning of his reigne, in his unexperienced youth, being newly out of his minority, and marryed with the daughter of France, did incline unto the Romish religion, as one seduced by some of the pope's faction, *Pape*,—is it therefore consequent, or must it be for a truth concluded, that he is still of the same condition or inclination? Have we not had sufficient experience, for the space of many years, to the contrarie; that his highnes never attempted once to alter the true protestant religion;

only giving way, through the counsell of one or more popish prelates, for the removing of our communion-table, to stand in manner of an altar; which, in my understanding, was a way to increase popery or superstitious adoration in this kingdome, and therefore by the Scottish nation so detested and abhorred. Howbeit, under favour, may I relate what an English papist once to me uttered? It is more fit (quoth he) that your communion-table should stand like an altar, which is more decent and religious, being adorned with those things which the Scripture doth allow, then as formerly, in the reignes of Queen Elizabeth and King James, and for many years of King Charles his reigne it hath stood; being, on those dominicall dayes when the blessed sacrament of the Lords Supper is not appointed to be ministred, a common receptacle (in most of your churches) not only of boys and servants hats, but oftentimes of themselves, who unreverently make it their bench or seat, to ease their leither limbs, during your lecture time; or as, about the beginning of Queen Elizabeths reign, stage-players were permitted to act their enterludes in country churches, on the Lords day, immediately after divine service, turning Gods temple into the devells chappell, according to Christs saying, Matth. xxi. 13, "It is written, my house shall be called the house of prayer, but ye have made it a den of theeves;" or as that lighter, which, being trimly painted, furnished, and adorned with sayles and masts, tackling and streamers, to entertaine and attend on the river of Thames the new lord-mayor, in his passage to take oath at Westminster, being then a goodly gally-foist, is, the next day, if not that night, depriv'd and stript of all her ornaments, and converted to a dung-boat, or some other inferior use. To which profane comparisons I answered, that the sacrament of the Lords Supper was instituted in a large upper roome of a house, called the guest-chamber, where Christ and his disciples did eat the passover; the tables at which they sate being, at other times, (both before and after,) used, by those that came thither as guests, to eate and drinke for the susteyning of nature, and some, perhaps, to feast in a gluttonous way; neither is the sacrament confined onely to the board whereon the bread and wine are placed in the church, or to the materiall church itselfe, but allowed to be administred (as commonly it is) to sicke persons in their private chambers; it being not necessary to salvation, though comely in shew, (as the surplice is,) to cover the table with any cloth, which is not suffered to remain there, either in church or chamber, when the communion is accomplished. At which words, the papist, in a fume, departed, leaving me alone, who had much more matter to alleadge in confutation of his erroneous invective, which, in this place, I will forbeare to inferre, lest this digression may seeme a plaine aberration from my principall intention and the matter in hand. Thus, therefore, I returne into the way, affirming that the kings majesties dayly practises have been, from time to time, answerable to his protestations, from any thing that I could ever learn or hear to the contrary, from impartiall, understanding protestants, or by any declaration of the lords and commons, assembled in parliament. As for those quæries of things done since King Charles began his reigne, I do accompt them altogether so scandalous, and devellishly invented, that they are not worthy to be answered, but the writer and publisher of them ten times more worthy to dye a cruell death then Shimei, that cursed and threw stones at King David, 2 Sam. xvi. 5 to 14; who, though he escaped punishment in the days of that kingly prophet, had his due reward under Solomon the son.

There is almost no evil so great, for which nature hath not prepared a remedy, at least an avoydance. But calumy or slander doth not onely bite privately, but killeth before it can be perceived. The porcupine darts out his priccles when he is provoked, but the slanderer casts his darts or evill words against every one without any cause; so this unparalleled reviler, without any cause, but onely out of his inveterate malice, being an evident enemy to the true protestant religion, (which our gracious king professeth, and hath so solemnly professed and proclaimed to maintaine,) hath assaulted his

majestie, attempting thereby to kill him in his honour and royal estate, in maliciously, advisedly, and directly publishing in print, that our sovereign lord King Charles is a tyrant; which offence is declared, by the statute of 13 Eliz., to be high treason.

But put the case, our king were a tyrant, and guilty of all whatsoever this traytor doth lay to his charge,—Comines, lib. 10. *Comment.*, makes this quære: When princes doe in any thing offend, who shall call the same in question, and when the same is questioned, who shall complaine thereof to the judge? Who shall take upon him the person of such a judge? Who shall appoint their punishment? He answereth, surely the complaints and tears of men in miserie whom they have cruelly tormented, also the waylings of widows and orphanes, whom they have inhumanely bereft of their husbands and fathers; in a word, the lamentations of those whom they have afflicted and stripped of all their fortunes shall be instead of an accusation, when they shall come before the high tribunall of God, who, being offended with the greatness of their iniquities, doth not alwaies grant them a longer impunitie, but sometimes doth scourge them with present punishments, and that so evidently and cleerely, that it cannot be doubted but he is a most upright avenger of iniquitie.

The magistrate, (saith an ancient counsellor of state,) much more (I say) every meaner subject, ought to obey the will of his prince, although it were unjust, and not to bandy himselfe against his prince, what error soever he commits; for this were a rebellion in the state, to bandy the feet against the head: it were much better to yeeld under the soveraigne majestie with obedience, then, in refusing his commandements, to give an example of rebellion in the subjects.

Of evill princes we ought to say nothing, for to speake ill of them it is very dangerous, as well as a heynous crime: it is not, therefore, safe to write against those that can right themselves upon us, *in tales nominatim scribere qui possunt proscribere*, as saith Assinius Pollio, jeasting upon Augustus Cæsar. And Solomon saith, Prov. xx. 2, "The fear of a king is as the roaring of a lion; whoso provoketh him to anger sinneth against his owne soule." Againe, Prov. xvi. 14, "The wrath of a king is as messengers of death, but a wise man will pacifie it." Erasmus of Rotterdam, in one of his *Coloquies*, intituled, *Convivium religiosum*, sheweth, that, where other men may, by faire admonitions, lawes, rebukes, or menaces, be bent into goodnesse, restreyned, and reformed, a kings minde being resisted, groweth more austere, or more inflexible; and that princes, therefore, when they be earnestly inclined to any action, must be thereunto left; not in respect they would alwaies effect what is best, but for that Almighty God sometimes useth and disposeth of them and their follies as his instruments to amend or punish others: as he forbad his people to withstand Nebuchadnezzar, through whose crueltie he had determined to make them see and forsake their wickednesse. So Job, xxxiv. 30, saith, "He makes the hypocrite to reigne, for the sinnes of the people:" and further sheweth, that the wrath of a king is compairing it to the sea, whose streames are not to be diverted or resisted; and that a king is not to be curb'd or censured by any human lawes, but left unto the King of Kings; and if he do amisse, or go astray in any thing, we ought to say, with Paul, "The Lord hath taken him to himselfe; to his Lord, therefore, he doth sink or swim." So Solomon, Prov. xxi. 1., saith, "The kings heart is in the hands of the Lord, who can turne the same which way soever it pleaseth him:" as is more at large exprest in that part of the *Coloquie*, whereunto I refer the reader, or (if he be no Latine scholler) unto a sheet, intituled, "The Definition of a King, &c.," which conteynes a perfect translation thereof.

I will now conclude with three parts of Scripture, pertinent to this my purpose. 1 Pet. ii. 13, 14, "Submit yourselves to every ordinance of man, for the Lords sake, whether it be to the king, as supreame, or unto governours, as unto them that are sent by him, for

the punishment of evill-doers, and for the praise of them that doe well." Prov. xiv. 32, "The wicked is driven away in his wickedness; but the righteous hath hope in his death." 1 Cor. vi. 10, "Revilers shall not inherite the kingdome of Heaven."

Cum Angelis beate vivit Rex JACOBUS.
Cum Anglis prospere vivat Rex CAROLUS.

The Opening of the Great Seal of England; containing certain brief, historical, and legal Observations, touching the original Antiquity, Progress, Use, Necessity of the Great Seal of the Kings and Kingdom of England, in respect of Charters, Patents, Writs, Commissions, and other Process; together with the Kings, Kingdoms, Parliaments several Interests in, and Power over the same, and over the Lord-Chancellor, and the Lords and Keepers of it, both in regard of its New-making, Custody, Administration for the better Execution of Publick Justice, the Republicks necessary Safety and Utility. Occasioned by the over-rash Censures of such who enveigh against the Parliament, for ordering a new Great Seal to be Engraven, to supply the wilful absence, defects, abuses of the old, unduly withdrawn and detained from them.

By William Prynne, Utter Barrister of Lincolns-Inn.

ESTHER, viii. 1.
Write ye also for the Jews, as liketh you, in the king's name, and seal it with the king's ring; for the writing which is written in the king's name, and sealed with the king's ring, may no man reverse.

It is, this fifteenth day of September, anno Domini 1643, ordered, by the committee of the house of commons concerning printing, that this treatise, intitled, "The Opening of the Great Seal of England," be forthwith printed by Michael Sparke, senior. JOHN WHITE.

London, printed for Michael Sparke, senior, 1643.

At the breaking out of the civil war, the lord Littleton, keeper of the great seal, went off with it to the king. Clarendon, who had a great hand in determining him to this step, has detailed the measure at great length, and, with a lawyer's predilection for forms, obviously sets greater store by the advantage thus procured for his master, than it in fact deserved. It was not to be supposed that those who had drawn their sword against Charles would be much embarrassed for want of a silver stamp bearing the royal arms. Yet so long did the inveterate attachment of Englishmen to their laws and customs continue, even in the midst of civil dissension, that the remedy, though obvious, was not immediately resorted to. Two great seals seemed, to the lawyers of the house, like two suns in the firmament; nor was it easy to divest themselves of their respect for the ancient and original implement of royal sanction. Necessity, however, had no law; and the following is Clarendon's account of the transaction, which the indefatigable Prynne has undertaken, in the tract, to make good in law.

"The commons had often pressed the house of peers to concur with them in the making a new great seal, as a proper remedy against the mischiefs which, by the absence of it, had befallen the commonwealth; declaring that the great seal of England, of right, ought to attend upon the parliament; in which the peers as often refused to joyn with them, being startled at the statute of the 25th of Edward the III., by which the counterfeiting the great seal of England is, in ex-

press terms, declared to be high treason; and it had been, in all times before, understood to be the sole property of the king, and not of the kingdom, and absolutely in the king's own disposal, where it should be kept, or where it should attend.

"This dissent of the lords hindered not the business: the commons frankly voted that a seal should be provided, and accordingly took order that one should be engraven, and brought into their house, according to the same size and effigies, and nothing differing from that which the king used at Oxford. Being in this readiness, and observing the lords to be less scrupulous than they had been, about the middle of November, they sent again to them, to let them know they had a great seal ready, which should be put into the custody of such persons as the two houses should appoint; and if they would name some peers, a proportionable number of the other body should join in the executing that trust. All objections were now passed over, and, without any hesitation, their lordships not only concurr'd with them to have a seal in their own disposal, but, in a declaration and ordinance, by which they declared all letters, patents, and grants made by the king, and passed the great seal of England, after the 22d of May, in the year 1642, (which was the day the lord-keeper left the house, and went with the great seal to York to the king,) to be invalid, and void in law; and henceforward that their own great seal should be of the like force, power, and validity, to all intents and purposes, as any great seal of England had been, or ought to be; and that whosoever, after the publication of that ordinance, should pass any thing under any other seal, or should claim any thing thereby, should be held and adjudged a public enemy of the state.

"At the same time, the earls of Rutland and Bullingbroke, of the peers, Mr Saint Johns, (whom they still entitled the king's solicitor-general, though his majesty had revoked his patent, and conferred that office upon Sir Thomas Gardner, who had served him faithfully, and had been put out of his recorder's place of London, for having so done,) Serjeant Wild, (who, being a serjeant-at-law, had, with most confidence, averr'd their legal power to make a seal,) Mr Brown and Mr Prideaux, two private practisers of the law, were nominated to have the keeping, ordering, and disposing of it, and all such, and the like power and authority as any lord-chancellor, or lord-keeper, or commissioner of the great seal for the time being, had had, used, or ought to have. The earl of Rutland was so modest, as to think himself not sufficiently qualified for such a trust, and therefore excused himself in point of conscience; whereupon they nominated, in his room, the earl of Kent, a man of far meaner parts, who readily accepted the place.

"The seal then was delivered, in the house of commons, to their speaker, and by him, with much solemnity, the house attending him, to the speaker of the peers, at the bar in that house. The six commissioners were then, in the presence of both houses, solemnly sworn to execute the office of keepers of the great seal of England, in all things according to the orders and directions of both houses of parliament. And thereupon the seal was delivered by the two speakers to them, who carried it, according to order, to the house of the clerk of the parliament, in the old palace, where it was kept locked up in a chest, which could not be opened but in the presence of three of them, and with three several keys."—Clarendon, ii. 312.

To the Reader.

Courteous Reader, having copiously answered, refuted all royalists, malignants, papists clamorous objections and primitive exceptions against the proceeding of this present parliament, in four several treatises, lately published, concerning the soveraign power of parliaments and kingdoms, which have given good satisfaction to many, and silenced the pens, the tongues of anti-parliamenteers, who have been so ingenuous as seriously to peruse them,—I yet find a new grand objection lately started up, and much insisted on among these opposites, by reason of the commons late order for making a new great seal, (now almost finished,) to supply the wilful absence, defects, abuses of the old, to the extraordinary prejudice, damage, danger of the houses, kingdom and delay of publick justice; which, though sufficiently answered, in the general, by sundry passages and histories scattered in the former treatises, yet, because not so particularly or fully debated as the consequence of this extraordinary weighty act, and the querelousness of the clamorous opposites require, I have therefore (upon the

motion of some friends,) to stop up this new breach and clamour, speedily collected, and published, by authority, these ensuing historical and legal observations, concerning the original antiquity, progress, use, necessity of the great seal of the kings and kingdom of England, with reference to sealing of charters, patents, writs, commissions, other process; and given thee a summary account of the kings, kingdoms several interests in, and power over the great seal, (and the lords-keepers of it too,) both in respect of its new-making, custody, administration for the better execution of publick justice, the republick's necessary safety and utility, clearing all contrary objections of moment; which I here submit to thy charitable censure and acceptation; imploring thy pardon and direction, in case I have casually erred, out of ignorance or humane frailty, in tracing this untrodden dangerous narrow path, wherein I find no footsteps, or only very obscure ones, to direct my course. Farrwell.

Not to enter into any impertinent tedious discourse of the antiquity or use of seals in general, which were very antiently used, both by the nations and kings of the Jews, Persians, Medes, Babylonians, and others, (as is manifested by sundry texts of Scripture,[1] to omit prophane stories,) it is a question much debated among antiquaries, historians, lawyers, how ancient the use of seals hath been among the kings of England, and in what age, upon what occasion, by what degrees they grew to be absolutely requisite for the ratification of charters, patents, writs, commissions, and other processes?

The first original antiquity of seals among our kings is very uncertain; for it is apparent, past all contradiction,[2] that our ancientest kings charters, patents, had no seals at all annexed to them, being ratified only with the sign of the cross, (oft-time in golden characters,) the subscription of our kings name, with the names of divers bishops, abbots, nobles, clerks, and others under them, as witnesses; who all made the sign of the cross before or after their subscriptions; as is most evident by sundry ancient charters of our English Saxon kings, yet extant in old leger books of abbeys, in Sir Robert Cotton's library, and by the printed copies of them in the histories of Ingulphus, Malmsbury, Hoveden, Matthew Paris, Matth. Westminster, Holinshed, Mr Fox, Mr Camden's Britannia, Mr Selden's Titles of Honour, History of Tythes, Notes to Eadmerus, Sir Henry Spelman's Councils and Glossary, Sir Edward Cook's Preface to his 4th and 6th Reports, his Institutions on Littleton and Magna Charta, *Joannis Pitseus, Relatio. Histor. de Rebus Angl. Cl. Reynerus Apostolatus Benedictinorum in Anglia,* M. Lambard his Perambulation of Kent and Archaion, Bishop Usher's *Britannicarum Ecclesiarum Antiquitates,* with others; which charters, though without a seal, have[3] ever been reputed as valid, firm, in point of law, from time to time, and so admitted by our judges, kings, parliaments, as any punier charters, sealed with our kings great seals. To give you some few instances of the ancientest charters of our kings before the conquest, which I find not sealed, but thus subscribed:—King[4] Ethelbert, *anno* 605, made two charters; the first to the church of St Pancras; the other to the monastery of Peter and Paul, to be erected at Canterbury; which are thus confirmed with the sign of the cross, not sealed:

[1] Gen. 38. 18, 25. Exod. 28. 21. c. 39. 6. Deut. 32. 34. Job, 14. 17. c. 33. 16. c. 37. 7. c. 38. 14. c. 41. 15. 1 Kings, 21. 8 Neh. 9. 38. c. 10. 1. Esther, 3. 12. c. 8. 10. Jer. 22. 24. c. 32. 10, 11, 14. Cant. 8. 6. Isa. 8. 16. Dan. 6. 17. c. 9. 24. c. 12. 4. 9. Ezek. 28. 12. Matth. 27. 66. John, 3. 33. Rom. 4. 11. 1 Cor. 9. 2. 2 Tim. 2. 19. Revel. 5. 1, 5, 9. c. 6. 1, 3, 12. c. 7. 2, 3. c. 8. 1. c. 9. 4. c. 10. 4. c. 20. 3. c. 22. 10. Polyd. Virgil. de Invent. l. 8. c. 2.

[2] See Ingulp. Hist. p. 910. Terms of the Law, tit. Faits, f. 94. Cook's Institutes on Littleton, f. 7. a.

[3] See 3 Hen. VII, 25, 26. Cook's Preface to the 4th Report. Terms of the Law, title Faits.

[4] Spelman, Concil. tom. 1. p. 118, 119, to 126.

+ *Ego Æthelredus Rex Anglorum, hanc donationem meam signo sancte Crucis propria manu confirmavi.*

After which follow divers other witnesses, who confirm it with the same sign. There is extant a bull of Augustine, the first bishop of Canterbury, of an exemption granted by him to this monastery, with a leaden seal annexed to it, the form whereof you may view in[1] Sir Henry Spelman, who suspects both these charters, with Augustine's bull and seal, (the sealing of bulls being not so ancient, and leaden bulls being first brought in by Pope Adrian, about the year of our Lord 774, as Polydore and others observe,) to be mere counterfeits, upon good grounds. There is another charter of the same king, of lands given to the same monastery, dated *an.* 610, subscribed as the former. The next ancient charter I find is that of[2] Withred, king of Kent, dated *an. Dom.* 695, who, the same year, confirmed the great council of Becancelden with the sign of the cross, and such subscriptions as are aforesaid. To these I shall add the (suspected) charter of[3] King Kenred and Offa, *an.* 709, with the charters of Egwin, bishop of Worcester, *an.* 709; the charter of[4] King Ethelbald, *an.* 718, made to St Guthlac and the abbey of Croyland; with his general charter of priviledges granted to all churches and monasteries, dated *an.* 742; the charter of[5] King Ina, granted to the abbey of Glastenbury, (supposed to be spurious,) *an.* 725; of[6] King Offa to the abbey of Croyland, *an.* 793; the[7] decree of Ailardus, archbishop of Canterbury, and the council of Clovesho, *an.* 803; the charter of[8] King Kenulphus to the abbey of Croyland, *an.* 806; the[9] decrees of the synod of Clovesho, under King Beornwulfe, *an.* 824; and of the council of London, under King Egbert, *an.* 833; the charter of[10] Witlasius, king of Mercia, to the abbey of Croyland, *an.* 833; the charter of King Bertulphus to the same abbey, *an.* 851; with the[11] canons of the council of Kingesbury, confirmed and subscribed by this king and others, the same year, with the sign of the cross; the charters of[12] Ethelwulphus to the abbey of Croyland, *an.* 855, and to all churches and monasteries, which he offered up to God upon the altar of St Peter, at Winchester, where the bishop received it, and sent it to all churches, to be published; the charter of[13] Beorredus, king of Mercia, to the abbey of Croyland, *an.* 860; of[14] Queen Æthelswith to Cuthwulfe, *an.* 860; of King[15] Edmund to the abbey of Glastenbury, *an.* 944; of[16] King Edred to the abbey of Croyland, *an.* 948; the charters of[17] King Edgar to the abbey of Croyland, *an.* 966, 970, 974; to the[18] abbey of Glastenbury, *an.* 965, 971; and to the abbey of Malmsbury, *an.* 974; his charter of Osweld's laws, *an.* 964; his charter to his new monastery of Winchester, *an.* 966, and another charter, *an.* 964; the charter of[19] King Ethelred, *an.* 955, to Ulfric; with[20] his charter of privileges granted to the church of Canterbury, *an.* 1006; the[21] charter of King Knute, or Canutus, to the church of our Saviour at Canterbury, *an.* 1018, and to the abbey[22] of Croyland, *an.* 1032; of Thorold to the abbey of Croyland, *an.* 1051; and of King Edward the Confessor, to the same abbey, about the year 1050. All these ancient charters of our kings before the conquest had no seals at all annexed to them, but

[1] Spel. Gloss. tit. Bull, p. 108. Pol. Virg. De Juven. Rerum, l. 8. c. 1. [2] Spelman, Concil. tom. 1. p. 189 to 194. [3] Spel. ib. p. 207, 208, 209, 210. [4] Ingulph. Hist. p. 151, 852. Spelm. Concil. p. 256, 257. [5] Spelm. ib. p. 227 to 231. [6] Ingulph. Hist. p. 853, 854. [7] Spel. Concil. p. 324, 325. [8] Ingulph. Hist, p. 154, 855. [9] Spel. Concil. p. 335, 338, 339. [10] Ingulph. Hist. p. 855 to 857, 858 to 862. [11] Spel. Concil. p. 346, 347. [12] Ingulph. Hist. p. 862. Matth. Westm. *an.* 854, 834. Spel. Conc. p. 350 to 354. Malmburiensis De Gest. Reg. Angl. l. 1. c. 2. p. 41. [13] Ingulph. Hist. p. 863, 864. [14] Cook's Ep. to the 6th Report. Malmesb. de Gestis Regum Ang. l. 2. c. 7. p. 53, 54. [16] Ingulph. Hist. p. 874 to 877. Spelm. Concil. p. 428. [17] Ingulph. Hist. p. 880 to 885. [18] Malms. de Gestis Regum, l. 2. c. 8. p. 56, 57. Spelman, Concil. p. 485, 486, 488, 489, 432 to 435. J. Seldeni ad Eadmerum notæ, p. 159, 160. Cook's Preface to the 4th Report. [19] Cook's Preface to the 6th Report. [20] Spelman, Concil. p. 504 to 510. [21] Spelman, p. 533. [22] Ingulph. Hist. p. 893, 913, 914.

were only ratified with the sign of the cross, subscribed by the kings themselves, and those who made them, together with their names, and crosses of the witnesses. And it is observable, that all, or most of these ancient charters of our kings, which granted any lands or privileges to abbeys or churches, were made in full councils and parliaments, with the unanimous consent and approbation of the bishops, prelates, abbots, dukes, earls, lords, and great men therein present, who commonly subscribed them. The reason was, because none of our ancient kings (as I have proved) had any power to grant or alien the lands of the crown (which they enjoyed only in the kingdom's right, and for its use) to any, without the consent of their nobles and people, in full parliament: and, in most of these charters, abbeys and church-lands were exempted from all taxes, tallages, and temporal services whatsoever, except the repairing of high-ways, bridges, and castles, for the common good, and [1] thereby were anciently exempted from danegeld, as I have elsewhere manifested.

Which of our kings first used a seal is not certainly determined. Sir Edward Cook, in his Institutes on Littleton, fol. 7. a., records, that the charter of King Offa, whereby he granted Peter-pence, doth yet remain under his seal. Now this charter, as[2] Sir Henry Spelman, and our[3] historians generally in his life accord, was dated in the year of our Lord 793, or 794, and is the first charter sealed (if true) by any of our kings. There is another[4] charter of King Edwin, of certain land, called Iecklea, in the isle of Ely, bearing date *anno* 956, sealed with his own seal, and with the seal of Elfwin, bishop of Winchester. I read in Francis Thinne his Catalogue of Chancellors, and in Sir Henry Spelman his Glossary, fol. 126, 132, that our Saxon kings, Æthelstand, Edmund, Edred, Edgar, and Æthelred, had their several chancellors; but whether they had any seals or not, is uncertain: if they had any, "it is certain (writes[5] Sir Henry Spelman) that they scarce used them at all, or very rarely, most of their charters having no seals at all, but only crosses, or subscriptions of these kings names, and witnesses." The very[6] first of all our kings who used a large broad seal was Edward the Confessor, who, being brought up in Normandy, introduced that, with some other of the Normans guises, with him, and had three chancellors. Under this[7] seal he granted a charter of sundry liberties and privileges to the church of Saint Peters, in Westminster, *anno Dom.* 1066, which was sealed by his chancellor, Reynbaldus, as is evident by this his subscription to that deed:—*Ego Reynbaldus Regis Cancellarius relegi et sigillavi.* This is the first charter, for ought appears, that ever was sealed with a royall broad seal, or by a chancelor. But that all this good king's charters, or any of his writs or commissions were thus sealed by this great seal, or that the chancellor had then the custody of the seal, (which the chancellors, in the reign of Charles the Great and Ludovicus Pius, had not in France, as Sir Henry Spelman proves in his Glossary, p. 127, out of *Capit.* l. 2, c. 24, and *Egolismensis in vita Caroli*, p. 15, and the passage of Ingulphus, concerning the office of the chancellor in his time, cited in Spelman, seems to disprove,) is a *non liquet* unto me. The exact form of this kings great seal you may behold in[8] John Speed, together with the various effigies of all our succeeding kings broad seals, prefixed by him before their several lives.

Two things there are, which, in this enquiry after the original use of our kings great seals, seem somewhat dubious unto me. First, when, how, and by what law or means it came to pass that our kings charters and patents ought, of necessity, to be sealed with the great seal, contrary to the primitive usages in former ages, or else to be reputed invalid, and meere nullities in law? Secondly, when, and by what law or grounds, and in what king's reign, writs, commissions, and other processes of law, began to be

[1] Remonstrance against Ship-Money. [2] Concil. tom. 1. p. 308, 310, 311, 312.
[3] Huntindon, Antiquitates Ecclesiæ Brit. Fox Polychronicon, Holinsh. Grafton, Speed, and others.
[4] Cook's Instit. on Lit. f. 7. a. [5] Glossar. p. 127. [6] See Terms of the Law, title Faits.
[7] Speed, Hist. p. 415. Terms of the Law, f. 94. [8] Spelman, Glossar. p. 1260. [9] Hist. of Eng. p. 403.

issued out under the great seal, or else to be disallowed, as illegal? it being evident unto me, that charters and patents were usually sealed by some of our kings, before any of their writs, commissions, or legall process issued under their seals.

These two doubts, I confesse, are beyond my skill exactly to assoile; yet this I conjecture, as most consonant to truth, that[1] Edward the Confessor, being trained up in Normandy, and addicted to the customs of the French, which he introduced with him, did first of all bring in the sealing of deeds; which I gather from the words of[2] Ingulphus, abbot of Croyland, who flourished in his reign, and writes thus of him: *Cœpit ergo tota terra sub Rege, et sub aliis Normannis introductis, Anglicos ritus dimittere, et Francorum mores in multis imitare: Gallicum idioma omnes Magnates in suis Curiis tanquam magnum gentilitium loqui; Chartas et Chirographa sua More Francorum conficere, et propriam consuetudinem in his, et in aliis erubescere.* Now, the French kings, long before his days, used to seal their charters with golden bulls, as[3] Franciscus Rosierius and Sir[4] Henry Spelman testifie; there being divers charters of King Dagobert, Sigebert, and Pipin yet extant under golden bulls, as they record: and Charles the Great, descended of Pipin, was the first emperour of the Romans which sealed charters with a golden bull, as[5] Polydor Virgil attests;[6] Flodoardus also recording, that Charles the Bald, *an. Dom.* 867, sealed with a bull of his name,—*Bulla sui nominis sigillavit:* In imitation of whom,[7] Edward the Confessor, as it is probable, caused a great seal to charters of privileges and donations granted to the abbey of Westminster, (to which he was a special benefactor,) the copies of which you may read in[8] Sir Henry Spelman: witnesse this close of his second:—*Chartamistam conscribi, et sigillari jussi, et ipsam manu mea signo sanctæ Crucis impressi, et idoneos testes annotari præcepi ad corroborandam:* After which his own subscription, with the sign of the cross, follows, and the subscriptions and crosses of sundry bishops and abbots; after them, *Ego Raynbaldus Cancellarius,* +; then follow the subscriptions of dukes and other the king's officers, with this conclusion:—*Acta apud Westmonaster, quinto kal. Januarii, die sanctorum Innocentium, anno Dominicæ Incarnationis* 1066. *Indictione tertia. Anno Regni serenissimi Edwardi Regis* 24. *Swyergerius Notarius ad vicem Reynbaldi Regiæ dignitatis Cancellarii, hanc Chartam scripsi et subscripsi, in Dei nomine fœliciter, Amen.* With this close of his charter, dated the same year and day:—*Ut ergo hæc auctoritas nostris et futuris temporibus, circa ipsum sanctum locum perenniter firma et inviolata permaneat, per omnia tempora illæsa custodiatur atque conservetur et omnibus optimatibus nostris, et judicibus publicis et privatis, melius ac certius credatur, manus nostræ subscriptione subter eam decennius roborare, et idoneos testes annotare, at que sigillo nostro jussimus sigillari,* +.

Ego Edwardus Dei gratia Anglorum Rex, hoc privilegium jussi componere, et compositum, cum signo Dominicæ Crucis confirmando impressi, +: then follow the subscriptions of divers bishops and abbots, with crosses: next to them, *Ego Reynbaldus Regis Cancellarius relegi et sigillavi,* +: next ensue the subscriptions of some dukes, officers, and knights, with crosses: next, the date of the place, day, year of Christ, and the king's reign, with *Ego Alfgeatus Notarius, ad vicem Reynbaldi Regiæ dignitatis Cancellarius, hoc privilegium scripsi et subscripsi, In Dei nomine fœliciter. Amen.*

From which charters and subscriptions we may observe,

First, that this King Edward, though he added his great seal to his charters, yet he retained the ancient form of confirming them with the sign of the crosse, and the subscription of his own name, and the names of witnesses; which continued long after, till Edward the First his reign, if not longer, though since discontinued.

[1] Terms of the Law, tit. Faits, f. 94. Speed, Hist. p. 415. [2] Hist. p. 895. [3] In Apparatu a Stemmata Lintharogiæ. [4] Glossar. tit. Bulla aurea, p. 106, 107. [5] De Invent. Rerum, l. 1. c. 2. See Joan. Zonaræ, An. tom. 3. f. 147. c. [6] Hist. Rhem. Eccl. l. 3. c. 17. [7] Speed's Hist. p. 415. Terms of the Law, f. 94. [8] Concil. tom. 1. p. 60 to 637.

Secondly, that the chancellor, in his days, though he subscribed his name after prelates and bishops, yet he did it before dukes, earls, and all other temporal lords; therefore he was then, no doubt, the chiefe temporal officer, and hath so continued ever since. What the dignity and office of the chancellor was, in this king's reign and before, appears by Ingulphus his History of Turketulus,[1] (chancellor both to King Ethelstan, Edmund, and Edred, successively, and the second chancellor we read in our realme,) who was then *primum, præcipuum et à secretis familiarissimum.* "This Turketulus,[2] (writes he,) descended of the blood-royal, being nephew to King Edward the Elder, who, for his merits, would have matched him to divers rich noblemen's daughters, but he refused them, leading a single life: After which, he would have promoted him to a bishoprick, for his learning and holiness, proffering him first the bishoprick of Winchester, and afterwards the archbishoprick of Canterbury, very often, and to prefer him before all his other clerks; but he rejected those dignities with various excuses, and utterly abhorred them all his life, *tanquam tendiculas Sathanæ ad subvertendas animas,* as the snares of Satan to subvert souls." Such were lordly bishopricks esteemed, even in that blind age; which may be further ratified by this monkish story, related out of the Promptuary of the Disciple, and Arnoldus, in[3] the Flower of the Commandments of God. "That a monk of Clervaulx was chosen to be bishop, the which refused it, against the will of his abbot and of the bishop, and soon after died: who appearing after his death to his familiar, he demanded of him, if the disobeysance beforesaid had noyed him? He answered that, nay; and afterward said, if I had taken the bishoprick, I had been damned; and said, moreover, an horrible word,—The state of the church is come unto this, that she is not digne to be governed but of ill bishops, &c." But to return to our story:—Turketulus refusing the glory of this terrene dignity and transitory honour of a bishoprick, the king at last made him chancellor. *Ut quæcunque negotia temporalia vel spiritualia Regis judicium expectabant, illius consilio et decreto (tam sanctæ fidei, et tam profundi ingenii tenebatur) omnia tractarentur, et tractata irrefragabilem sententiam sortirentur. Consilio ergo illius, multa bona opera, &c. effecit:* After which, he adds, "he was a man of greatest power and authority with these three kings, both for his incomparable wisdom and valour: He had sixty manors of his own, (six whereof he gave to God and the abbey of Croyland, where he became abbot, and the residue to the king,) and vast treasures of jewels and money;" yet, in all this greatness, his title of chancellor was his highest dignity, as Ingulphus manifests; therefore, it was then, no doubt, the most eminent office.

Thirdly, that, in those times,[4] it was one chief part of the chancellor's office, by himself or his notaries and substitutes, to dictate and write all the king's charters, patents, writs, and to subscribe them as a witness: Whence Turketulus, when he was chancellor, writ or dictated most of the king's charters made to the abbey of Croyland. *Rex Edredus dedit Monasterium Croyland per Chartam suam, dictatam ab eodem Turketulo,* writes Ingulphus, p. 874.

Fourthly, That the chancellor, in his reign, sealed the king's charters with his seal; yet[5] whether he only did it, or had the sole custody of the seal, is uncertain.

But though King Edward the Confessor[6] first brought in the great seal, yet the custom of sealing charters, patents therewith, with other mens sealing deeds, grew not common, universal, or necessary,[7] till the latter end of the Conqueror's reign; as Ingulphus,[8] in these direct terms, avers, from his own experimental knowledge: *Et non tantum hunc morem* (of making knights) *sed alias etiam consuetudines* (William the Conqueror

[1] Thinn, Catalog. of Chancellors in Holinshed, vol. 3. col. 1260, &c. Spelman, Gloss. p. 132.
[2] Ingulph. Hist. p. 872 to 892. Spelman, Gloss. p. 126. [3] Fol. 227, printed by Winkin de Word, at London, *an.* 1521. [4] See Spelmanni, Glossar. tit. Cancellarius p. 125 to 128. [5] Spelmanni, Gloss. p. 127, 128. [6] Speed's Hist. p. 415. [7] See Rastal's Terms of the Law, tit. Faits.
[8] History, p. 901.

and his Normans, of whom he writes) *immutabant; nam chirographorum confectionem Anglicanam, quæ antea usque ad Edwardi Regis tempora, fidelium præsentium subscriptionibus cum Crucibus Aureis, aliisque sacris signaculis firma fuerint, Normanni condemnantes, chirographa chartas vocabant; et chartarum firmitatem cum cerea impressione per uniuscujusque speciale sigillum, sub instillatione trium vel quatuor testium astantium* (whereas antient charters had twenty or more witnesses) *conficere constituebant. Conferebantur etiam, primo, multa prædia nudo verbo, absque scripto, vel charta, tantum cum Domini gladio, vel galea, vel cornu, vel cratera; et plurima tenementa cum calcari, cum strigili, cum arcu, et nonnulla cum sagitta. Sed hæc initio Regni sui; posterioribus annis immutatus est iste modus. Tantum tunc Anglicanos abominati sunt,* &c. So that, by this historian's express testimony, (a man of great eminency in that age, being abbot of Croyland, and much frequenting the court, yea, taking more pains to search out and preserve antient charters than any in that age,) William the Conqueror and his Normans (especially in all matters of government, law, and justice, his charters being of far other tenour, form, and brevity, than those before or since in use) were the first who introduced it, by insensible degrees, the French custom of sealing charters and deeds with seals; and this the king, with his officers, (as all our historians complain,) being extraordinary covetous and oppressive, using sundry new devises to fill their own purses, by exhausting the peoples, it is very likely (as Ingulphus's words import, and [1] others insinuate) that he and his chancellors, (of which I find [2] nine in his reign,) to make a benefit and project of his great seal, did, in his latter days, ordain, that all charters, patents, should be thenceforth sealed with his royal seal, or else be reputed invalid in law. Three charters of his I find recorded in our writers: The first made to the abbey of Croyland, at the suit of [4] Ingulphus, who registers it, subscribed by some witnesses, without mentioning any seal of his thereto annexed; the second to the abbey of Battle, sealed with his great seal, and subscribed by four or five bishops, which patent and seal too you may view in [5] Mr Selden's Notes on Eadmerus; the third to the city of London, granted at the suit of William their bishop, written in the Saxon tongue, confirmed with green wax, whereas the Saxons before used only to sign with gilt crosses; the copy whereof you may read in Lambert's Perambulation of Kent, Holingshead, and [6] Speed. As for that charter of his, recorded by John Stow, and Speed, in his Life, out of the Book of Richmond:—

I, William, king, the third yeare of my reigne,
Give to thee, Norman Hunter, to mee that are both leefe and deare,
The Hop and the [7] Hopton, and all the bounds up and downe,
Under the earth to hell, above the earth to heaven,
From me and mine, to thee and to thine,
As good and as faire as they mine were.
To witnesse that this is sooth, I bite the white wax with my tooth,
Before Jugge, Maud, and Margery, and my youngest sonne Henry,
For a bow and a broad arrow, when I come to hunt upon Yarrow. [8]

[1] Malmesbury, Matthew Paris, Eadmerus, Huntingdon, Hoveden, Polychron, Holingshed, Speed, Daniel, and others in his life. [2] Speed's Hist. p. 440, 450. [3] In Thinn's Catalogue, and Spelman, Gloss. p. 132. [4] History, p. 912. [5] Page 165, 166. See the form of his seal in Speed's Hist. p. 435.

[6] History, p. 450, 451. [7] "I doubt hop-lands, hops, and hop-yards were not then in use." Thus Prynne, who seems not to have known that *hop*, in Celtic, means a hill. His conclusion is good, but his argument naught.

[8] There can be no doubt that this metrical charter is a gross and impudent forgery, since it represents the Norman Conqueror granting a charter in English before the language existed. The ground of the fiction may perhaps be found in Bowyer's Continuation of Fordun's Scottish History. That chronicle mentions a *raid* made into Westmoreland, by Robert Earl of Fife, afterwards Governor of Scotland, and the Earl of Douglas, about 1496.

"*Ubi, inter alia depræ data, ad manus dicti Roberti capitanei exercitus, oblata est quædam carta antiquissima, magno sigillo cereo consignata, continens tenorem subsequentem.* 'I, Kyng Adelstane, giffys here to Paulan, Oddam and Roddam, als gude and als fair as ever thai myn war: and tharto witnes Mald, my wyf.' *Unde et ipse postmodum, quando dux erat Albaniæ et gubernator Scotiæ, dum coram eo à contendentibus in judicio prolixiores obligationes, vel cartæ, legerentur, dicere sic solitus erat: Credo quod major fides et fidelitas illis diebus servabatur, quan-*

I deem it either a forgery or a charter granted only in merriment, which Rastall, in his Terms of the Law, f. 80, attributes rather to King Edward the Third, than to the Conqueror; concluding, that sealing was not commonly used till the reign of Edward III.; which, if true, perchance, of deeds between private persons, yet not of royal charters. King William Rufus, Henry I., Stephen, and Henry II., had all their several great seals (the portraitures whereof you may behold in John Speed's History, before every of their lives) and their several chancellors too, whose names you may read in [1] Francis Thinn's Catalogue, and [2] Spelman; which chancellors, as is most likely, kept their seals, sealing both patents and charters with them.

I read that [3] King Henry I., in the first year of his reign, granted a charter of liberties to his subjects, (according to his promise and oath, before and at his coronation,) much like to Magna Charta, subscribed with witnesses: *Et sigilli sui testimonio roboratum*, as Eadmerus and others write. To this charter he set both his hand and seal, commanding as many copies as there were counties in England to be transcribed, and kept in the monasteries of every province. He was made a king by right of election, not of succession, his brother Robert being right heir. In this king's reign, I find one writ to Anselme, archbishop of Canterbury, (who used [4] a seal wherewith he sealed his letters written to this king,) with [5] *Teste Walricho Cancellario apud Merlebergam:* and another [6] writ, directed to him, to respite the consecration of Thomas, archbishop of York, till Easter, *Sigillo Regis inclusas;* the first writ I, to my remembrance, find sealed with any king's seal, though patents were commonly sealed before this time. [7] King Stephen coming to the crown by the nobles election, not by right of inheritance as next heir, vowed to confirm their liberties by his charter and seal; which he did, at Oxford, in the first year of his reign: this charter you may read in the marginal authors, being like to Magna Charta in substance. That King Henry II. used to seal his charters and patents, I find apparent testimonies in our historians; for his oath of purgation, which he made concerning the death of Thomas Becket, (registred at large by [8] Roger de Hoveden) was put into writing, in form of a charter, and then sealed with his seal, and the seals of the cardinals, as this author attests. *Et ut hæc in memoria Romanæ Ecclesiæ haberentur, Rex Pater fecit apponi sigillum suum scripto illi, in quo superdicta capitula continebantur, una cum sigillis prædictorum Cardinalium* (Thodine and Albert.) *Atque ut in memoria Romanæ Ecclesiæ firmiter habeatur, sigillum vestrum præcipistis apponi.* [9] *an. Dom.* 1177. Sancho, king of Navarre, and Alphonso, king of Castile, being at variance, about breaches of articles in a former truce, referred their differences to the determination of King Henry II., who, calling his nobles and parliament together, made these kings ambassadors to put their differences in writing, and then to swear to stand to his and his council's arbitrement; which done, he made a charter of his award, subscribed with the names of many bishops, nobles, clerks, and laymen, as you may read at large in Hoveden; which charter, questionless, was sealed with his seal, though it be not expressed.[10] The same year, on the 7th day of October, King Lewis of France and King Henry II. made a final concord and league for mutual offence and defence, which was put in writing, sworn to, subscribed by many

do tam compendiosa scripta fiebant: (allegatâ per eundem literâ regis Adelstani permissâ;) quam nunc, quando, per tam longa scripta, frivolis exceptionibus ac protelatis ambagibus per novos nostros causidicos, literæ cancellatæ sunt." —Fordun, Scotichronicon, curâ Goodall, Edin. 1759. fol. II. p. 403.

[1] Holingshed, vol. col. 1260, to 1280. [2] Glossarium, p. 132, 133. [3] Matth. Paris, p. 53, 54. Eadmerus, l. 3. p. 55. Malmesb. de Gest. Reg. l. 5. Hoveden, Holinshed, Matth. West., Fabian, Polychron, Caxton, Grafton, Stow, Daniel in 1 Hen. I. Speed, p. 407. [4] Delatæ literæ repositæ in tuo sigillo, Eadmer. l. 4. p. 86. [5] Eadmerus, ibid, and p. 101. [6] Eadmer. Nov. l. 4. p. 101. [7] Malmsb. Novel. l. 1. p. 179. Huntind., Matt. Paris, Hoveden, Matt. West., Speed, Holingsh., Daniel, in his life, An. 1. [8] Annal. pars post. p. 529, 530. See Matthew Paris, p. 120, 121, 122, 124, 125. [9] Hoveden, An. pars post. p. 560 to 566. Matt. Par. p. 121. See Holinsh. and Speed in his life. [10] Hoveden, An. pars post, p. 570, 571. Matt. Paris, p. 121. See Holinsh., Grafton, Speed, Daniel, Fabian.

witnesses of note, and sealed: witness the words of Hoveden, (who records it at large.) *Et ut hoc statutum firmiter teneatur, et ratum permaneat, scripto commendavi, et sigilli sui auctoritate confirmari fecit.* And, the same year, Audebert, Earl of March, selling his earldom to King Henry, made a charter thereof, registered in [1] Hoveden, which concludes thus: *Ne autem hæc mea venditio solemniter celebrata aliqua posset in posterum malignitate divelli, eam sigillo meo munivi:* After which, many bishops and other witnesses subscribed. In this king's reign, it is apparent that the great seal remained in the custody of the chancellor; for I read [2] that this king making his chancellor, Thomas Becket, archbishop of Canterbury, he thereupon, *an. Dom.* 1162, (contrary to the king's good liking and expectation, who was then in Normandy,) sent messengers over with the seal, *Cancellaria renuntians, et sigillum resignans,* renouncing the chancellorship, and resigning up the seal unto him, because he could not attend the court and church at once; so as the chancellor then kept the seal of England with him here, when the king was absent in Normandy, for the better execution of publicke justice. This will yet more plainly appear, by the ensuing passage of [3] Hoveden, and writ of King Richard the First:—*Richardus Dei gratia Rex Angliæ, &c. Willielmo de Sanctæ Mariæ Ecclesia, Hugoni Bardulpho salutem, sciatis quod didicimus, quod in morte Patris nostri sine præcepto suo, et conscientia, habuerunt literas de sigillo suo Gaufridus de Muscamp de habendo Archidiaconatu de Cliveland, et Willielmus de Stigandebi, et Magister Erradus de præbendis in Ecclesia Eboracensi, quæ tum vacabat, et erat in manu nostra: Et ideo præcipimus, quod præfatos ab Archidiaconatu et Præbendis dictis sine mora dissaisietis, repentes ab eis quicquid ex inde perceperunt, postquam illos redditus ita frudulenter et per surreptionem sunt adepti. Teste meipso tertio die Novembris apud Mamerz. Proh pudor!*

Turpe est doctori cum culpa redarguit ipsum.

Idem enim [4] *archiepiscopus dum adhuc esset chancellarius regis patris sui, sigillum illud in custodia habuit, per quod præfatus archidiaconatus, et præbendæ illæ datæ fuerant prænominatis personis.*

By which passage and writ it is apparent, first, that the chancellor, in Henry the Seconds reign, had the custody of the great seal; secondly, that presentations to churches, archdeaconries, and prebendaries, were then granted under the great seal; thirdly, that chancellors did sometimes fraudulently grant and seal patents without the king's privity; and that these patents, when discovered, were reputed fraudulent and voyd; fourthly, that writs at common law were usual in Henry the Second his reign; which appears most plentifully and irrefragably by Ranulphus de Glanvilla, chief justiciar under this king, his *Tractus de legibus et consuetudinibus Regni Angliæ.* The common law, and the proceedings upon them, yet in use, are collected and registred, for the benefit of posterity. In this king's time, I conceive our writs of law were reduced by this Ralph Glanvill and his fellow-justices, into a set form, and began to issue forth under the king's seal, to avoyd forgery; but whether under the great seal, or special seal of every court, (as Sir Edward Cook, in his Institutes on Magna Charta, p. 554, 555, 556, conjectures,) I cannot certainly define. In his reign I first find that the counterfeiting of the king's charter was reputed treason, as Glanvill expressly declares it, lib. 1. cap. 2. and lib. 14. cap. 7. *Illud tamen notandum, quod si quis convictus fuerit de charta falsa, distinguendum est, verum fuerit charta regis, an privata. Quod si charta regis, tunc is qui super hoc con-*

[1] Annal. pars post. p. 527. [2] Matth. Paris, Hist. p. 94. Antiquitates Eccles. Brit. p. 122. Godwin's Catalogue of Bishops in the Life of Becket. Thinn's Catalogue of Chancellors. Holinshed, in Hen. II.
[3] Annal. pars post. p. 748. [4] Geoffry.

vincitur, condemnandus est, tanquam de crimine lesæ majestatis. Si vero fuerit charta privata, tunc cum convicto mitius agendum est. Now, that which he terms counterfeiting the king's charter, [1] Bracton, [2] Britton, and the statute of 25 Ed. 3., of treasons, stile counterfeiting the great seal, or privy seal of the king's, and therefore this of Glanvill relates principally to the counterfeiting of the king's seal annexed to his charter. I find, in [4] Roger Hoveden, a charter of William, king of Sicily, which he made to Joan, daughter of King Henry, touching her dower, dated *anno Domini* 1177, *mense Februarii indicti, decima*, subscribed with the names of witnesses, subjects to King William, and, among others, *ego Mattheus, domini regis vice-cancellarius;* which charter concludes thus: *Ad hujus autem donationis et concessionis nostræ memoriam, et inviolabile firmamentum; privilegium præsens per manus Alexandri, notarii nostri scribi, et bulla aurea nostro typario impressa, roboratum nostro sigillo, jussimus decorari. In quo familiares nostri, et aliæ personæ præcepto nostro se scripserunt hoc modo.* The form of which king's great seal you may behold engraven in Hoveden, p. 553.

In fine, this Henry the Second being [5] chosen king of Hierusalem, (which kingdom was wholly elective,) and earnestly importuned, by Heraclius, patriarch of that city, the Christians there, and by Pope Lucius his letters, to accept that honour, *an.* 1185,[6] he thereupon summoned a parliament at London, on 10. of April, wherein he charged all his subjects, with many adjurations, to advise and resolve him what was best to be done in this case for the salvation of his soul; and that he was resolved by all means to follow their advice herein: Whereupon the parliament, conferring on the premises, resolved, that it was much more wholesome for the king's soul that he should govern his own kingdom with due moderation, and defend it from the eruptions of the barbarous French, than to provide for the safety of those in the east in proper person. Which I onely note in the by, (having omitted it in its due place,) first, to manifest what high esteem our kings have had of the resolutions and advice of their parliaments, to which they wholly submitted their own judgments, acquiescing in their resolves; secondly, to evidence the soveraigne power of parliaments over our kings then, who might not desert the realm, nor take any new honour or dominion upon them, without their previous consent and advice; thirdly, to shew the dutie of kings to their subjects and kingdoms.

King Richard the First, succeeding his father, Henry Second, rather by election than succession, (and [7] not stiled a king by our ancient writers, before his coronation,) was the first of all our kings, (as our [8] writers accord) who sealed with a seal of arms; all our former kings seals being but the picture of the king sitting in a throne, on the one side of the seal, and on horse-back on the other side, in divers forms, with various inscriptions of their name and stiles, which you may view in Speed. But the king bare two lions rampant combatant in a shield in his first, and three lions passant in his latter seal; borne ever after by our kings, as the royal arms of England. His first [9] chancellor was William Longchamp, bishop of Ely, legate to the pope, whom he made his viceroy and justiciar of England, when he went to the Holy Land against the Saracens, committing the kingdom to his government chiefly, who infinitely oppressed and tyranized over it, as all our historians evidence. [10] Matthew Paris gives this character of

[1] Lib. 2. tit. de Crimine lesæ Majest. [2] Lib. 1. c. 8. f. 16. Stanfords Pleas, lib 1. c. 1. [3] Annal. pars poster. p. 551, 552, 553. [4] Mat. Paris his Angl p. 1, 7. Hoveden, p. 358. Fabian, par. 7. p. 353, 354. Polychron. l. 7. c. 24. Speed, 522. [5] Mat Paris, p. 47, 64. 69. Hoveden, Annal pars poster. with others. [6] Speed, Hist, p. 530. [7] Speed, Hist. p. 541 Daniels Hist. p. 125 Cook Instit. on Littleton, f. 7. a. [8] See Hoveden, Mat. Paris, Nubrigen, Mat. Westm, Holinsh., Speed, Grafton. [9] Hist. Angl. p. 155. 156. [10] Eadermus Hist. p. 12, 36, 201. Hoveden. Annal. p. 450, 498, 504, 505, 509, 512, 513, 523, 524, 530, 538, 575, 644, 611. 670, 677, 707, 712, 718, 721. 741, 763, 706, 782. Matth. Paris, p 106. Spelmanni, Concil. p. 142, 395. Mr Seldens Titles of Honour, p. 123, 128. Register, pars 1. f 256. 392, to 398, pars 2. f. 3. p. 22, 30, 33, 35, 38, 44, 54, 55, 60, 62, part 35, 22, 26, 29, 31, 35, 42, 47. Fitz. Nat. Brief. 132.

him: *Erat idem cancellarius Maximus inter omnes occidentales, rex et sacerdos in Anglia, qui omnia pro nihilo ducebat, cum episcopali tantum dignitate non contentus nimis alta se sperare denotavit. In prima namque literarum suarum fronte, vanitatem et elationem expressit, cum dixit, Willielmus, Dei gratia,* (commonly used before, in, and since that age, by and to bishops, popes, abbots, in publique writs, as well as kings, as the marginall authors manifest,) *Eliensis episcopus domini regis cancellarius, totius Angliæ justitiarius, &c. Apostolicæ sedi, legatus, &c. Has autem dignitates, quas pretio obtinuerat, immoderato excessu exercuit volens locellos, quas in earum impetratione evacuerat, reficere, &c.* This chancellor (as is probable) had the custody of one part of the seal in this kings absence, for the better administration of justice, though the king carried the other part of the great seal with him into the wars, pretended to be there lost, as you shall presently hear. I find divers of this king's charters, letters, writs, before and after his voyage to the Holy Land, recited in Hoveden.[1] These charters, which, questionlesse, were sealed with his seal, were subscribed by sundry witnesses; the writs and charters concluding with a *teste meipso apud Chinonem*, &c. The charter of the manor of Sadburgh to Hugh, bishop of Durham, is thus dated: *Datum anno primo regni nostri* 18 *die Septembris apud Eatingat, per manum Willielmi de Longocampo, cancellarii nostri.* During this King Richard's imprisonment in Germany, Henry the emperour sent letters to the nobles of England for this king, by William Longchamp, his chancellor, *aurea bulla imbullatis in hac forma*, sealed with a golden bull, in this form. And, soon after this[2] chancellor, William Briwere and others concluding a peace between this king and Philip, king of France, authorized thereto by the king's letters patents, these commissioners not onely sware to, but sealed the article of this truce, as this close of it manifests: *Quæ omnia prædicta, ut rata permaneant et inconcussa, ego Willielmus de Rupibus, et ego Joannes de Pratellis, et ego Willielmus Briwere, per præceptum regis Angliæ Domini nostri, sigillorum nostrorum attestatione roboravimus. Actum Meduneæ anno ab incarnatione Domini* 1193, *octavo idus Julii.* And, the very next year, the[3] letters and instrument of the truce made between those two kings, by Drogo and Anselme, and sworn by them in the French kings behalf, have this conclusion: *Et nos ut omnia prædicta sigillis nostris roboravimus. Actum inter Vernelium et Thilers, anno incarnati verbi* 1194, 23 *die Julii.*

King Richard being released this very year (which was the sixt of his reign) out of prison, and new crowned, among other oppressive projects to raise money to maintain his wars, (which made him an extraordinary oppressour of his people,)[4] caused a new broad seal to be made, (the portrayture whereof you may view in Speed,) pretending that the old was lost, when Roger, his vice-chancellor, was drowned before Cyprus, and that his chancellor, during his imprisonment, had abused this seal, whereupon he took it from him: requiring and commanding that all persons, as well clergymen as laymen, who had charters or confirmations under his old seal, should bring them in to be renewed under his new seal; and unless they did so, that nothing which had been passed by his old seal should be ratified, or held good in law. By which device he drew a great masse of money to his treasury; subscribing his new-sealed charters thus: This was the tenor of our charter under our first seal, which, because it was lost, and, at the time of our being captive in Almayne, in the power of another, we caused to be changed, &c.; which[5] Hoveden thus relates: *Et imputans cancellario suo hoc per ipsum fuisse factum, abstulit ab eo sigillum suum et fecit sibi novum sigillum fieri; tum quia cancellarius ille operatus fuerit inde minus discrete, quam esset necesse, tum quia sigillum illud*

[1] Annal. pars post. p. 658, 662, 667, 676, 698, 700, 726, 730, 732, 734, 743, 748. [2] Hoveden, Annal. pars post. p. 741, 742, 743. [3] Hoveden, Annal. pars post. p. 741, 749, 743. [4] Hoveden, Annal. pars post. p. 746, 785. Speeds Hist. p. 541. Daniel, p. 125. See Holinshed, Grafton, and others.
[5] Annal. pars post. 746, 765.

perditui erat, quando Rogerus malus catulus, vice-cancellarius suus submersus erat, in mari ante insulam de Cypro : et præcepit rex : quod omnes tam clerici quam laici, qui chartas habebant, venirent ad novum sigillum suum ad chartas suas renovandas : et nisi fecerint ; nihil quod actum fuerat per sigillum suum vetus, ratum haberetur. Præterea rex statuit, torniamenta fieri in Anglia, et charta sua confirmavit, &c., (making them also a money matter.)

By which passages it is apparent, first, that all these kings patents, charters were sealed with his great seal; secondly, that the abuse, loss, or absence of the great seal is a sufficient cause to make a new one; thirdly, that the profit made by the great seal, and project of raising money by new charters sealed with it, was the true original cause of all sealing of charters and writs with this seal, and making it simply necessary in law; there being no publique resolution or declaration declaring charters or writs not sealed with the great seal to be void in law, (for ought I find,) before this project, unless that for-mentioned, touching the Conqueror, pass for a law, and judgment in this particular; fourthly, that the chancellor, in this king's reign, had the custody of the great seal; the indiscreet use and abuse whereof was good ground in law to deprive him of its custody.

What the office and dignity of the chancellor really was in that age appears by this description of it, written in, or near that time: [1] *Cancellarii dignitas est, ut secundus a rege in regno habeatur ; ut altera parte sigilli regii (quod et ad ejus pertinet custodiam) propria signet mandata. Ut capella regia in illius sit dispositione et cura. Ut vacantes archiepiscopatus, episcopatus, abbatis et baronias cadentes in manum regis ipse suscipiat et conservet. Ut omnibus regiis assit consiliis, etiam non vocatus accedat. Ut omni sigilliferi clerici regii sua manu signentur. Item, ut (suffragantibus ex Dei gratia vitæ meritis) non moriatur nisi archiepiscopus, vel episcopus si voluerit.* And by the Black Book of the Exchequer, attributed to Gervasius Tilburiensis, par. 1. c. 5. *Cancellarius sicut in curia, sic ad Scaccarium magnus est : adeo ut sine ejus consensu vel consilio, nihil magnum fiat, vel fieri debeat. Verum hoc habet officium dum residet ad Scaccarium. Ad ipsum pertinet custodia sigilli regii, quod est in thesauro ; sed inde non recedit nisi cum præcepto* [2] *justiciæ ; ab inferiori ad superius Scaccarium, a thesaurario vel Camerario defertur, ad explenda solum negotia Scaccarii. Quibus peractis in loculum mittitur ; et loculus a cancellario consignatur, et sic thesaurario traditur custodiendus,* &c. The custody, therefore, of the great seal was then reputed an unseparable part of the chancellor's office and honour.

King John succeeding his brother Richard by the nobles and peoples election, rather than by descent, as [3] Matthew Paris, with divers others, observe, had both a great seal and [4] chancellors who kept it, with which he sealed divers charters; among others, one letters patents *sigillo nostro munitas* to the archbishop of Canterbury, monks, and other prelates persecuted by him, restoring them to their liberties and possessions, which was dated the 13th day of May, in the 14th year of his reign: Another, dated the 15th of the same month, at the house of the Templars, near Dover, (*chartam sigillo nostro munitam,*) of his most detestable resignation of the kingdom and crown of England to the pope, delivered to Pandulph, the pope's legate, (to whom he did homage for England and Ireland after this surrender;) which charter, first sealed with wax, and after delivered to Pandulph, was, the same year, afterwards in the cathedral church of St Paul, before the high altar, in the presence of the clergy and people, *auro bullata est,* sealed with gold, and delivered to Nicholas, bishop of Tusculan, the pope's legate, to the use of the pope and church of Rome, to whom he then did homage, to his eternal infamy; which so much discontented his nobles, prelates, and people, that they took

[1] Spelmanni, Glossarium, p. 128. [2] Id est Capitalis Justiciarii Angliæ. [3] Hist. Angl. p. 189, 190.
[4] See Spelman and Thinne, Matthew Paris, Hist. Angl. p. 225, 227, 237, 246 to 254, Matthew Westm., Holinshed, Speed, and others.

up arms against him, and inforced him, in an assembly and treaty at Running-mead, to grant them the great charter of their liberties, and charter of the forest, ratified with his seal, oath, witnesses subscriptions, the bishop's excommunications, and pope's bull; and then sent his letters patents to all the counties of England, commanding the sheriffs to swear all the men within their bailywicks to observe the said laws and liberties, thus granted and ratified in the 17th year of his reign. In brief, the charter of the truce between King John and King Philip of France, registred in[1] Hoveden, was sealed with his seal; concluding thus: *Quæ ut perpetuum robur obtineant, præsentem chartam authoritate sigilli nostri corroboramus, anno* 1200, *mense Maii.*

In this king's reign, the chancellor's place (through the benefit of the seal) became so gainfull,[2] that Walter de Gray (afterward archbishop of York) proffered the king 5000 marks, *pro habenda cancellaria* (which was then no court, but the office of making and sealing royall writs and charters) *Domini regis tota vita sua, et pro habenda inde charta Dom. regis;* which great place he then obtained, or rather purchased by his money, not merits.

King Henry III. coming to the crown (by the lords and commons[3] election, rather than by descent) when he was but nine years and some odd months old, in the ninth year of his reign, ratified[4] Magna Charta and the charter of the forest in parliament, under his hand and seal, with witnesses thereunto subscribed; and, commanding as many charters to be engrossed as there were counties in England, *et regio sigilio munitis*, and ratified with the royal seal, he sent one of the great charters into every shire, and one charter of the forest into every county where there were forests, to be there reserved. But this unconstant king coming to age within two years after,[5] in a parliament at Oxford, (a fatal place for ill advice to our kings,) through ill counsel, to the great discontent of his nobles and commons, annulled the charter of the forest, declaring it void, as granted in his non-age, when he had no power of himself, nor of his seal, and so of no validity; and causing proclamation to be made, that both the clergy, and all others, if they would enjoy these liberties, should renew their charters, and have them confirmed under his new seal, (which he had then caused to be made, only by way of project to raise money, as Richard the First had done;) for which they were constrained to pay, not according to their ability, but the will of the chief justice, Hugh de Burgh, to whom was laid the charge of this mischief; which procured him the general hate of the kingdom, and begat a new insurrection of the lords and commons, who, taking up arms hereupon, enforced the king to call a parliament, and therein to new ratify these charters at his full age. In this king's reign, all patents, if not writs and commissions too, usually issued under the great or lesser seal, of which there are divers precedents extant in Matthew Paris, and in the clause and patent rolls of this king, to which I shall refer you. And such notice was then taken of the dignity and necessity of the king's seal to charters and writs, that Henry de Bracton, a famous lawyer in those days, writes expressly, "That it was no less than treason to counterfeit the king's seal."[6] *Est et aliud genus criminis læsæ majestatis, quod inter graviora numeratur, quia ultimum inducit supplicium et mortis occasionem; scil. crimen falsi, quod in quadam sui specie, tangit coronam Domini regis. Ut si quis accusatus fuerit vel convictus falsificationis sigilli Domini regis, consignando inde chartas vel brevia* (writs then were sealed with the king's seal, as well as patents) *et apponendo signa adulterina; quo casu, si in-*

[1] Annal. p. 814, 815.

[2] In dorso Rot. finium hujus anni; et Spelmanni, Glossarium, p. 131, 132. Thin's Catalogue of Chancellors.

[3] Fox, Acts and Monuments, edit. ult. vol. I. p. 1334. Speed, p. 591.

[4] Matth. Paris, Hist. p. 311. Speed, p. 599. See Polychronicon, Fabian, Holingshed, Magna Charta itself.

[5] Matth Paris, p. 324, 325. Daniel, p. 151, 152. Holinshed, Speed, Grafton.

[6] Bracton, l. 2. de crimine lesæ Majestatis. See Stamford's Pleas, fol. 2.

veniatur inde culpabilis vel seisitus si warrantum non habuerit, pro voluntate regis judicium sustinebit. How the lord chancellors were elected, and the great seal disposed of by parliament, in this king's reign, I have[1] elsewhere related, and shall touch again anon.

King Edward I. coming to the crown, and proclaimed king during his absence in the Holy Land, his[2] "lords and states, without his privity, made both a new great seal and chancellor to keep it; with which, in the 25th year of his reign, he[3] confirmed the great charter and charter of the forest in parliament. And in another parliament, in the 28th year of his reign, it was enacted,[4] that the great charter of the liberties of England, and charter of the forest, shall be delivered to every sheriff of England, under the king's great seal, to be read four several times in the year before the people, in the full county. And for these two charters to be firmly observed in every point and article, (wherein no remedy was before at common law,) there shall be chosen in every shire court, by the[5] commonalty of the said shire, three substantial knights, or other lawful, wise, and well disposed persons, to be justices; which shall be assigned, by the king's letters patents, under the great seal, to hear and determine (without any other writ but only their commission) such plaints as shall be made against all those as commit or offend against any point contained in the foresaid articles, in the shires where they be assigned, as well within franchises as without, &c. Also,[6] that all the king's takers, purveyors, or ratours, from henceforth shall have their warrant with them, under the king's great or petty seal, declaring their authority, and the things whereof they have power to make price or purveyance, the which warrants they shall shew to them whose goods they take, before that they take any thing: And, chap. 6, There shall no writ from henceforth, that toucheth the common law, go forth under any of the petty seals."

These are the statute laws extant, prescribing that the king's charters, patents, commissions, warrants, writs, should issue forth under the great or petty seals, though they did so usually before his reign, rather through custom, which crept in by little and little, by degrees, from Edward the Confessor's daies unto this very parliament, as the premises evidence, till it got the reputation of a received common law and usage, and at last was thus established, as simply necessary, by these present acts; which settled the law in point of necessity of sealing all writs, charters, patents with the great seal, and added such majesty to the seal itself, that Britton, an eminent judge and lawyer, flourishing in this king's reign, (writing his book, as in this king's name,) resolves expresly, c. 3 f. 10, &c., 8. f. 16., that the[7] counterfeiting of the king's seal is high treason; and the justice ought to enquire concerning the falsifiers of the seal; not only whether any have actually counterfeited it, but, also, whether any have hanged any seal by an engyn to any charters without license; or, having stollen or taken away any seal, or otherwise finding it, have sealed writs, without other authority. And, chap. 48. *Exceptions aux Brefe*, p. 122, he writes, it is a good exception to abate a writ, *si le Brefe ne fuit unques enseale de nostre seal; ou si li ordinance et le seal de nostre chauncery ne fort point contenu.* And Andrew Horne, another great lawyer, living in, or near this time, in his Myrour of Justices, cap. 3. sect. 6. p. 191, among exceptions to the power of the judge, enumerates this for one:—if the commission be not sealed with the king's great seal of the chancery: *Car al privy seal el roy, on al seal d'eschequer, ou autre seal, forsque solement al seal que est assigne dee conu de le cominalty del people et nosmement en jurisdiction,*

[1] See the Second Part of the Sovereign Power of Parliaments, p. 48 to 93.
[2] Matth. West. et Daniel, in 1 Edw. I.
[3] Confirmatio Chartarum, 25 Edw. I. and Cook's Institutes on it. Walsingham, Hist. Ang. p. 35 to 48.
[4] Articuli super Chartas, ch. 2. See Cook's Institutes on these Acts.
[5] The people then had power to elect these their judges and justices, even by act of parliament.
[6] Chap. 2. [7] See 3 Ed. I. cap. 15.

et bres originals, ne estoit a nul obeyer des leies et usages del royalme, si non solement pur le roy. Du elle putra ee vicioune pur le seal counterfeit, ou auterment fausse. This falsifying of the king's seal to writs, cap. 1. sect. 6, *De Fausonners*, p. 28, 29, he makes a crime next to high treason; which forging, he saith, "may be in divers manners: as where a writ is sealed, whereof the grosse and matter, or the form is not avowable by the king, nor by the law, nor by the rights and customs of the realm; if a man seal after that the chancellor or other keeper knoweth that he hath lost his warrants, by death, or any other manner; when a writ or letter passeth the seal against the king's defence; when men seal with counterfeit seals, or seal by ill art, or warrants not avowable; and so it is falsehood in those who seal and have no authority." And chap. 4. sect. 2. p. 233: Thus[1] our ancients ordained a seal, and a chancellor for to keep it, and to give remediable writs to all persons without delay. Then, describing what manner of writs must issue, he concludes thus: "And now may justices, sheriffs, and their clerks, withdraw, rase, amend, and impair them, without discerning or pain, for the writs that are made close to the abuse of right." Wherefore, the seal only is the jurisdiction assignable to all plaintiffs without difficulty. And to do this, the chancellor is chargeable, by oath in allegiance of the charge of the king, that he shall[2] neither deny nor delay to render right remediable to any one.

Thus have I given you a brief historical and legal narration of the original, growth, progress, use, and necessity of the great seal of England, and of the manner of making, subscribing, and sealing charters, patents, writs, with other instruments, in our realm, from Æthelbert's first charter, anno 605, till the end of King Edward the First his reign, when seals and[3] sealing grew more common, and our ordinary law books (which recite few or none of the premises) began to make mention of seals and sealing; of whose antiquity, kinds, and present use, in point of law, if any desire further satisfaction, let them consult with Polydor Virgil, *De Inventoribus Rerum*, lib. 8. cap. 2. *Henrici Spelmani Glossarium*, title *Bulla*, Rastal's Exposition of the Terms of the Law, title *Faits*, Sir Edward Cooke's Institutes on Magna Charta, page 554, 555, 556, his 11th Report, 1. 92, and Ashe's Tables, title *Seals*; it being not my intention to trouble the reader here with trivial common things concerning seals or sealing, but only with such antiquities and rarities as are not commonly known, nor mentioned in our law books.

The Kings and Parliaments several and joint Interests in, and Power over the New-Making, Keeping, Ordering of the Great Seal of England.

Having thus traced out the original, progress, use, and necessity of the great seal, through the obscure paths of abstruse antiquity, with as much variety, perspicuity, brevity as possible, I shall, in the next place, summarily examine what several or joint interests the king, kingdom, and parliament have in, what power or jurisdiction over the great seal of England, both in respect of the new-making, keeping, or using thereof.

For the better assoiling of which grand question, now in publick agitation, I shall premise these three propositions and distinctions, which will much conduce to the clearing and resolution of this doubt.

First, that our kings great and petty seals, when originally invented, and whiles the

[1] To wit, in 1 Edw. I. or when the great seal was first introduced, in Edward the Confessors days.

[2] Magna Chart. cap. 29.

[3] See 9 Edw. I.; the correction of the twelfth chap. of the Statute of Glocester; 20 Edw. I.; De non ponendo in Assisis; 34 Edw. I. cap. 6.

use of them was only private, or merely arbitrary, not simply necessary in point of law, in the administration of justice, or transactions of the publick affairs of the realm, were proper and peculiar to themselves alone, and in their own disposing power only, as every private man's seal now is, they using them only as private, not as publicke persons, in their natural, not politick capacities. But after that these seals, by use and custom, became simply necessary for the publick execution of justice and affairs of the realm, and our kings made use of them in their politique capacities, as heads or supreme governours of the realm, and publick ministers thereof, the whole kingdome and parliament, by this occasion, and upon this reason, came to gain a publick interest in, and jurisdiction over these seals, as well as our kings; (even as in all other inferior corporations; the commonalty as well as the mayors in cities and buroughs; the chapters as well as bishops or deans; the convents as well as the abbots or priors; the wardens, assistants, and the whole company, as well as the masters; the fellows of colleges as well as the presidents, have a publick interest in, and power over their severall corporation-seals, made only for their common good and affairs,) as I shall manifest in the sequell. And in this respect the great seal came to be commonly called[a] the great seal of England in our acts, as in 14 and 15 Hen. VIII. c. 4, 34 and 35 Hen. VIII. c. 26, 1 Ed. VI. c. 44, 3 and 4 Ed. VI. c. 12, 2 and 4 Phil. and Mar. cap. 20, 1, 5 Eliz. cap. 1, 8, Eliz. cap. 1, 13 Eliz. cap. 6, 7, 9, 18 Eliz. cap. 2, 23 Eliz. cap. 14, 39 Eliz. cap. 6, 43 Eliz. cap. 4, 5 Eliz. cap. 18; an act declaring the authority of the lord-keeper of the great seal of England (frequently thus stiled in this act) and the lord-chancellor to be one; 1 Jac. c. 28, 1 Car. c. 2. 16 Car. c. 1, with sundry other acts, to omit law books and histories. And being thus become the great seal of England, the parliament (the representative body of the whole realm of England) must necessarily have an interest in, and jurisdiction over it in all publick respects, even so far as to new-make it when there is need, and to dispose it for necessary affairs of parliament and the realm, when the old seal (the proper seal of the parliament) is purposely substracted, yea, denied them, for necessary and publick uses.

Secondly, that after the great seal became common and necessary to most publick affairs, in which regard the whole kingdom and parliament came to have a right in, and power over it, so, in other respects, the king still retained a peculiar interest and prerogative in it, in all arbitrary matters of royall grace and favour, to which he is no ways obliged in point of law; in which respect it is called the king's great seal: as, first, in cases of general or particular charters of pardon; secondly, of indenization or enfranchisement; thirdly, of erecting new corporations, or confirming old; fourthly, of dispensing with some kind of laws, penalties, and forfeitures; fifthly, of conferring some kind of less publick offices, and annuities for services performed, or to be executed; sixthly, of granting new liberties or franchises of grace to corporations or private subjects; seventhly, of creating or conferring new honours on deserving men; eightly, of licences for mort-mains, impropriations, alienations, consecrations of new churches or chappels, &c.; ninthly, of publick collections for persons or towns distressed through fire, shipwreck, or other casualties; tenthly, of private negotiations with foreign princes, states, or subjects, and some kind of protections, commissions of grace, rather than right or justice. In all these, and such like particulars of meer grace, or less publick concernment, the kingdom and parliament neither properly have, nor pretended to have any publick right or jurisdiction over the great or petty seals, but leave them absolutely free to the king, as if they were his own private seals alone; so far forth as his charters, pardons, grants, licences, dispensations, protections, com-

[a] Our ancientest statutes call it indefinitely the great seal, as 2 Edw. III. stat. 3. c. 8, with others.

missions of this kind are consonant to the laws and statutes of the realm, and not repugnant to them.

Thirdly, the parliament and whole kingdom, as to all publick affairs of state, and the administration of justice to all the subjects, hath committed the making lawfull use, power, and disposal of the great seal of England in trust to the king, as to the supreme magistrate and justiciar, over which they never claim a constituting or disposing jurisdiction, whiles it is rightly managed according to law. But if this seal be either wilfully abused or subtracted, contrary to law or trust, to the prejudice of the kingdom, the obstruction of publick justice, or violation of the privileges of parliament, and not redressed, after several complaints and petitions of the houses to the king for reformation of this grievance; whether the whole kingdom, or parliament, in such a case as this, who have authority to remedy the grievances, the abuses, or wilfull absence of the great seal, and appoint a keeper of it, for supplying the absence, regulating the abuses of the old, removing obstructions of publick justice, filling up the common's house, by issuing writs to elect knights and burgesses, in the places of such as are dead or justly expelled, (now denied,) sealing of writs of errour in parliament, and other such publick parliamentary affairs, necessarily requiring the presence of the great seal (the proper seal of the high court of parliament, which hath no other seal but it) and the lord-chancellor, (the ordinary speaker of the lords house, by virtue of his very office in all ages,) and so his and the great seals presence absolutely necessary, unless dispensed with by the house, upon inevitable occasions of absence, is the sole question now in debate, and under correction in this case: and, for these publick ends alone, I humbly conceive the parliament both lawfully may cause a new great seal of England to be engraven, constitute a chancellor to keep it, and seal writs for new elections, writs of errour in parliament, with other necessary writs and commissions with it, for the publick administration, expedition of justice, the better transaction of all parliamentary state affairs, now obstructed, to which the great seal is requisite.

This I shall endeavour to make good by precedents, by reason of law and state-policy, beginning with the new making, and then proceeding to the keeping and ordering of the seal, during the present differences and necessity.

First, there are two memorable precedents in our histories and records, of making a new great seal by the commons in parliament, without the king's actual assent, which will over-rule our present case: I shall begin with the ancientest of them.[s] King Henry the Third departing this life while his son, Prince Edward, was militating in the Holy Land against Christ's enemies, hereupon the nobles and states assembled at the new Temple, in London, the day after the king's funeral, proclaimed Prince Edward his son king, ordained him successor of his father's honours, though they knew not whether he were living; *et facto sigillo novo*, writes Matthew Westminster: And causing a new seal to be made, (so Daniel,) they appointed faithful ministers and keepers, for the faithful custody both of the seal, king's treasure, and kingdom's peace. Lo, here a new great seal made by the lords and states in the king's absence, without his privity, for necessary execution of justice, either in an assembly out of parliament, (as some suppose this meeting was,) or at least-wise in a parliament, assembled, held; yea, ordaining a new great seal, new officers of king and state, without the king's presence or privity. and then it is our present case in effect; for if this assembly of the states, even out of, or in parliament, in this case of necessity, during the king's inevitable absence, might lawfully make both a new great seal, chancellor, treasurer, judges, justices of peace, and other officers of king and state, (as they did, and conceived they might justly do, none then, or since, disavowing or censuring this act of theirs, for ought I read, but

[s] Matth. West. An. 1272, page 352. Hornes Myr. p. 233. Hore. p. 15. Daniel's Hist. p. 185. See Walsing. Hist. Ang. p. 1, 2. Speeds Hist. p. 640. Walsing. Ypod. Neuster. p. 67.

all applauding it as legal,) then certainly this parliament, assembled and ratified by the king himself, being the greatest sovereign power, and having far more jurisdiction than any council or assembly of lords out of parliament, may much more justly and loyally cause a new great seal to be engraven, and appoint a keeper of it, during the wilful absence of the king and old great seal, for parliament, (contrary to all law and former precedents,) for the better expedition of justice, and transaction of the affairs of the parliament, being the parliament's proper seal, and anciently appointed by it, as Horne's preceding words import.[1]

The second precedent is that of King Henry the Sixth his reign, who, being but an[2] infant of nine months age when the crown descended to him, there[3] issued forth a commission, in this babes name, to Humphry, duke of Gloucester, his uncle, then protector, to summon and hold a parliament in his name; which being assembled, Num. 14, the bishop of Durham, lord-chancellor to Henry the Fifth, resigned up the old seal of England to King Henry the Sixth, in the presence of divers credible witnesses; and the bishop of London, chancellor of the dutchy of Normandy, resigned up also the seal of that dukedom to him: After which, Num. 15, it was enacted and provided, by the lord-protector, lords and commons in that parliament, that, for as much as the inheritance of the kingdoms and crowns of France, England, and Ireland are now lawfully descended to the king, which title was not expressed in the king's seal, whereby great peril might accrue to the king, if the said inscriptions were not reformed, according to his title of inheritance,—that therefore, in all the king's seals, as well in England as in Ireland, Guyen, and Wales, this new stile should be engraven,—*Henricus Dei gratia, Rex Franciæ, et Angliæ, et Dominus Hiberniæ*, according to the effect of his inheritances; blotting out whatsoever was formerly in them superfluous, or contrary to the said stile: and that command should be given to all keepers of the said seals of the king, to reform them without delay, according to the form and effect of the new seal aforesaid. Numb. 16, The lords and commons in this parliament constitute and ordain a new lord-chancellor of England, lord-treasurer, and keeper of the privy-seal, granting them several letters patents of these offices in parliament, in the king's name. And, Num. 17, the liberties, annuities, and offices granted by King Henry the Fifth, and his ancestors, to souldiers in foreign parts were confirmed in parliament, and their patents ordered to be sealed with the king's new seals, without paying any fee.

Here we have not only the great, but privy seal, yea, all the king's seals in England, Ireland, France, Wales, resigned, altered, ordered to be new made, and the chancellors and keepers of them expressly created by lords and commons in parliament, without any personal actual consent of the king, (then an infant,) for the necessary administration of justice, and great affairs of the realm; no man ever questioning, much less censuring this act of theirs, as illegal or treasonable, within the statute of 25 E. 3., of counterfeiting the king's seal, but all approving it as just and necessary. Therefore, doubtless, the present parliament may doe the like in this unparallel'd case, both of the king's lord-keepers, the great and privy seals wilfull absence and substraction from the parliament, of purpose to obstruct all proceedings in parliament, and the course of common justice.

These two famous precedents are not singular, but backed with the authority of Judge Horne, fore-cited, p. 15, and many other of like nature and reason, even in printed statutes.

The statute of Acton Burnel, made in the 13th year of King Edward the First, for "the more speedy recovery of the merchants debts, gives the mayors of London, York, and Bristol, authority to take recognisances of debts before them, to be made by the

[1] Page 15. [2] Hall, Stow, Speed, Holinsh. Grafton.

[3] 1 Hen. VI. p. Rot. Parl. 1 Hen. VI. Num. 1 &c. The Second Part of the Sovereign Power of Parliaments and Kingdoms, (where I have transcribed these records at large,) p. 65 to 70.

clerk appointed for that purpose; whereunto the seal of the debtor shall be put, with the kings seal, that shall be provided for that purpose: the which seal shall remain in the keeping of the mayor and clerk aforesaid. And the kings seal shall be put unto the sale and delivery of the goods devisable for a perpetual witness." We have here a new seal of the king's, with special keepers of it, appointed for recognisances, and the uses thereof limited, by a special act of parliament, confirmed in another parliament, touching statute merchants, made the same year, 13 E. 1., which further enacts, "that another shall be provided, that shall serve for fairs; and that the same shall be sent unto every fair, under the kings seal, by a clerk sworn, or by the keeper of the fair. And of the commonalty of London two merchants shall be chosen, that shall swear, and the seal shall be open before them; and one piece shall be delivered unto the foresaid merchants, and the other shall remain with the clerk." 13 H. 8. c. 6. 2 & 3 E. 6. c. 31. Second, those acts, 27 E. 3. parl. 2. c. 1, 9, enact, "that the mayor of the staple shall have power to take recognisances of debts, which a man will make before him, in the presence of the constables of the staple, or one of them: And that in every the said staples be a seal ordained, remaining in the custody of the said mayor of the staple, under the seals of the same constables;" which is again enacted, 15 R. 2. c. 9. & 8 H. 6. c. 18.

The acts of 12 R. 2. c. 3 & 7. ordain, "That a seal of the kings shall be made, assigned, and delivered to the keeping of some good man of the hundred, rape, or wapentake, city, or burrough, after the discretion of the justices of peace, to be kept to this intent, to make letters patent to servants, labourers, vagabonds, pilgrims, who shall have occasion to depart out of the hundred, rape, or wapentake where they live, to serve or dwell elsewhere," &c: and that "About the same shall be written the name of the county, and, overthwart the said seal, the name of the hundred, rape, or wapentake, city, or burrough." And 14 R. 2. c. 21. enacts, "That seals be made for the servants, and delivered unto the keeping of some good men of the county, after the purport of the said statutes." Here the king's new seal, form of it, and keepers too, are ordered by parliament.

The statutes of 27 E. 3. c. 4. 3 R. 2. c. 2. 15 R. 2. c. 10. 17 R. 2. c. 2. prescribe "A new seal to the king's aulnegeors and collectors of subsidies, wherewith all cloaths shall be sealed before they be sold, under pain of forfeiture." 1 H. 4. c. 19. and 9 H. 4. c. 2. it was enacted, That "certain cloaths should not be sealed by them for three years." 4. H. 4. c. 6. enacts, "That one sufficient man should be assigned by our sovereign lord the king to seal the clothes that shall be wrought and fulled in London, and the suburbs of the same, with a seal of lead, as of old time was used in the said city and suburbs." 11 H. 4. c. 6. ordains, "That a new seal, having a sign and mark differing from the old seal of the office of the king's aulnegeor, shall be made and delivered to the aulnegeors: And that after the same so newly made and delivered, proclamation shall be made in the west, and in other places through the realm, that no cloaths shall be sold, (of such sorts mentioned in the act,) before the aulnegeor hath searched and measured them, and set the new seal of his office to them;" which is confirmed by 13 H. 4. c. 4. This seal, by 11 H. 6. c. 9, is stiled, "The kings seal, thereunto ordained and prescribed to be put to cloaths: so, 18 H. 6. c. 16, a line is prescribed to be sealed for the measuring of cloth." 8 E. 4. c. 1. enacts, "That broad cloaths shall be sealed by the king's aulnegeor, or sealed with the seals of the subsidy and aulnegeor therefore ordained, and in wax." And 4 E. 4. c. 1, That for "kersies and short cloths a seal of lead shall be ordained, and, by the treasurer of England for the time being, provided, and hanged at the lower part of the edge of the said cloth: and that the treasurer of England for the time being shall have power and authority to make such and so many keepers of the said seals as he shall think necessary; so that no stranger born be made

any of the said keepers." 17 E. 4. c. 1. 1 R. 3. c. 8, and other statutes enact the like. 25 H. 8 c. 8. 27 H. 8. c. 3. and 4 E. 6. c. 2. 5 E. 6. and 6. 2 and 3 Phil. and Mary, 12. 4 and 5 Phil. and Mary, c. 5. 8 Eliz. c. 12. 23 Eliz. c. 9, with other acts, prescribe "divers sorts of seals of lead, to seal cloaths withal, containing the length, or length and breadth of the said cloaths: some of the seals for ill clothes to have *faultie* engraven in them; others, that are dyed and madered, the letter M, and the like; some to be kept and affixed by the aulnegeors, others by the searchers appointed in every county, town, or burrough." Such variety of seals, and keepers of them, have these several parliaments prescribed, only for cloth, which yet they stile the kings seal, though neither made, kept, disposed of, nor the form prescribed by him, but the parliament. See the like for leather, 5 Eliz. c. 8.

The statute of 11 H. 6. c. 6. makes mention of seals assigned to the customers office, and punisheth the abuses of them, set to blank scrowls, with forfeiture of goods, as in case of felony.

12. Ed. 4. c. 3, the statute of tunnage and poundage, for guarding the seas, enacts, "Cloath of gold, silver, baudkin, velvet, damask, satyn, chamlets, silks, &c., brought from beyond the sea, shall be sealed in one end thereof, before it be sold, with the seal or mark especially to be ordained for the same, whereof the collectors of that subsidy shall have the one part, and the comptroller the other part, severally, in their custody;" which is confirmed by 4 H. 8. 6. and 21 H. 8. c. 21.

14 and 15 H. 8. c. 3. appoints a several "warden of the worsted-makers, in the towns of Yarmouth and Lynne, to be annually chosen, and serve to surveigh and search the worsted there made; and that the warden of Yarmouth, so elect and sworn, shall ordain and appoint a seal, with the letter Y, and the warden of Lynne a seal, with the letter L, to be engraven in the same seal; and to seal in lead, with the same seals, so to be appointed and engraven, and none other, all worsteds and flannins within these towns and their suburbs." 14 and 15 H. 8. c. 5. ordains a special common seal for the corporation and college of physicians in London.

27 H. 8. c. 27, which establishes the court of augmentation, and prescribes the several officers in it, with the oaths they shall take, enacts likewise, "That this court shall have one great seal, and one privy seal, to be engraven and made after such form, fashion, and manner as shall be appointed by the king's highness; that the chancellor of this court shall have the keeping of these seals, which shall remain and be ordered as in that act is at large declared." The statute of 33 H. 8. c. 39, which erects the court of surveyors, prescribes a particular seal for that court, the person by whom it shall be kept, and how it shall be used, together with all the officers of that court, their oaths and fees. So 34 H. 8. c. 26, enacts, "That there shall be several original and judicial seals made for the several counties and circuits of Wales; prescribes the several parties that shall keep these seals, what writs and processes they shall seal with them, and what fees they shall take for them," as you may read at large in the act. In like manner, the statutes of 32 H. 8. c. 46. and 33 H. 8. c. 22. enact "The court of wards and liveries to be a court of record; and that they shall have one seal, to be engraven and made after such form, fashion, and manner as shall be appointed by the king's highness, which shall remain and be ordered as is afterward declared in those acts;" prescribing who shall keep it, how it shall be used, and what fees shall be paid for it. And 32 H. 8. c. 45. ordains "a particular seal for the court of first-fruits and tenths, which it erects, with the officers that shall keep it, their oaths, and fees for sealing with it." True it is, these statutes leave the form and fashion of these seals last mentioned to the king's appointment, (which they might have likewise prescribed, as in the former acts,) being a matter of no great moment; but the keepers, use, ordering, and fees of all these seals are punctually limited by the parliament, and not left arbitrary with the king.

And, to trouble you with no more acts of this nature, the statute of 1 E. 6. c. 2. en-

acts, That " all archbishops and spiritual persons, under the pain of a premunire, even in the king's ecclesiastical courts, shall make out all their processes in the king's name, with the king's stile, as it is in writs, original and judicial, at the common law, and shall, from the first day of July, have in their seals of office the king's highnesses armes, decently set, with certain charect under the armes, for the knowledge of the diocese, and shall use no other seal of jurisdiction, but wherein his majesties arms be engraven." Here the express form, as well as use of these seals is prescribed by parliament, and not left arbitrary to the king or bishops.

If, then, our parliaments, in all these cases, have thus prescribed new seals of the king's, for his courts and officers, together with the form, custody, use, and fees of them, in these several acts, why they may not likewise enjoy the making of a new broad seal, to supply the absence of the old, in the cases fore-mentioned, I cannot yet discover, it being the parliament's seal, and great seal of England, and so commonly stiled in sundry printed statutes, as well as the king's, in respect of the publick justice and affairs of the realm of England, and parliament which represent it. If the mayor, bayliffs, bishop, dean, president of a college, master of a company, abbot or prior, or chief justice, shall detain or withdraw the common seals of their several corporations or courts, the common-council, aldermen, chapter, fellows, liverymen, and courts, may, doubtless, make new seals, without, yea, against their consents, and use them too for their common affairs, without injury or forgery. And why the parliament then may not, in such cases, make a new great seal of England, by like reason without the kings consent, when the old (their only seal) is purposely withdrawn, and kept from them, to hinder their proceedings, I cannot yet discern.

If any here object, first, That it is high treason, both by the common and statute law, to counterfeit or make the king's great seal without his privity or consent, as is evident by Glanvil, Bracton, Britton, here fore-cited, 3 E. 1. c. 15. 25 E. 3. stat. 5. c. 2. of treasons, 5 H. 4. c. 15. 27 H. 8. c. 2. 1 E. 6. c. 12. 1 Mar. Parl. 1. c. 6. Stamford, l. 1. c. 1. Brooke, 3, 13, 17, Crompton's Jurisdiction of Courts, 69, and, generally, all our lawbooks; therefore for the parliament, or any else, by their command, to make and use a new broad seal;—

I answer, 1. That this is true only of private men, who make a broad seal by their own particular authority, in deceit of the king and kingdom, not of the parliament, or any imployed to make or use it by their authority; the parliament, the supreamest power of all others, being uncapable of treason, and out of the words and intention of these and all acts concerning treason, as I have [1] elsewhere proved at large, to which I shall refer you. 2. The king hath his great seal of England, not in his own particular, but the kingdom's and people's right alone, as their publick minister and servant, for their use and benefit; the kingdom, and parliament which represent it, being the [2] proprietors of this seal, which, upon the king's decease, is ever surrendered to the successor king, as belonging to the kingdom, as the seals of other corporations go to the mayors, bishops, deans, abbots, presidents, successors, not their heirs, executors, or administrators, as other mens seals do. The kingdom and parliament, therefore, being the true proprietors of it, as it is the publick seal of the kingdom, not the king, may lawfully give order for the new-making of it, even without the king, in case of necessity, when it is unduly withdrawn, with-held. 3. The forging of the seal is high treason, only as it is the [3] kingdom's common seal, not the king's private and particular seal, and an offence against the kingdom, and king himself, only in his politic publick capacity, as head of the kingdom, not in his private: whence counterfeiting of the king's sign-manual, privy-signet, or privy-seals were no high treason at common law, (being no publick, but ra-

[1] Sovereign Power of Parliaments, part 1, p. 107 to 112, part 2. p. 25, 26. Appendix, p. 163 to 171. [2] Ibid, part 2. p. 3 to 20. [3] Ibid, part 3. p. 7, 8, part 2. p. 25, 26.

ther private seals of the king's,) till they were made so by 27 H. 8. c. 2, since repealed, by 1 E. 6. c. 12. 1 Mariæ, sess. 1. c. 1. Rastall, *Treason*, 13, and so no treason at this day; even as the compassing of the king's death is no treason, considered only as he is a private man, but as a [1] publick person, invested with his politick royal capacity. If, then, the parliament (the representative body of the kingdom, against which all treason, in counterfeiting the great seal, is principally committed, and the true proprietory of this seal,) shall order a new great seal to be made, or used, for the service of itself and the kingdom in this case of necessity, it cannot possibly be high treason in them or their agents; for then they shall be traytors to and against themselves, and suffer for an offence against themselves and the realm, done by their own votes and assent in parliament. 4thly, The counterfeiting of the great seal, mentioned in those law-books and statutes, is that only which is secret, fraudulent, traitorly in deceit of the king, kingdom, subjects, [2] like to counterfeiting of false money (ever joined with it) by private persons, as our law-books, and all cases of this nature adjudged high treason, attest; whence it is stiled, *Crimen falsi, falsificatio sigilli*, &c., by [3] Bracton and others, and such like offenders, *Fauseors des sealx:* and the inditements must be, that they did it *proditorie:* neither of which can be intended of, or applyed to the new-making of a great seal by the authority of parliament, for the necessary administration of justice, and benefit of the realm, when the great seal is substracted, as now. 5thly, The lords and parliaments making a new great seal in the absence of Edward I., and infancy of Henry VI., without their privity or consent, to supply the defects of justice, which else would have ensued, was never reputed treason, but a lawful act: Therefore, the present making of a new seal, to remedy the wilful absence of the old, without the king's consent, (who with-holds it and the keeper from the parliament,[4] against all laws and former precedents,) can be no treason, but a lawful act. And since the parliaments of England, in the absence, infancy, and dotage of their kings, have usually, of right, made lord-protectors and chancellors, who had power over the great seal, (as I have [5] elsewhere largely proved,) they may, by the self-same reason, make a new great seal likewise, to supply the wilful absence of the old. Finally, all the objected statutes and law-books adjudged it high treason to counterfeit the king's money, as well as his seal, and join them both together in one clause. But the parliament hath a long time coined money at the Tower, and made new stamps to do it, when the old were broken or worn out, without any charge or tax of treason; therefore they, by like reason, may make a new great seal without treason.

If any, secondly, object, That to make a new great seal (of England) is all one in effect as to make a new king of England;—

I answer, That to deface the king's old seals and signets by publique acts of state, as the Hollanders did in the king of Spain's, when they cast off his government for his tyranny, (which they [6] and popish authors held they might lawfully doe,) and to appoint new seals in every province, only with the names and titles of the private governours and provincial consuls of every province, without the name and title of the king of Spain, whose authority they abjured with a solemn oath,—would, in truth, be to set up a new king and government: but to make a new seal only, like, or not much different from the old, to supply its absence, with the king's own picture, arms, stile, and title, is no ways to impeach, but confirm his royal authority, being done in affirmance only,

[1] Sovereign Power of Parliaments, part 3. p. 7, 8. [2] Magna Charta, c. 29. [3] Sovereign Power of Parliaments, part 2. p. 4 to 87. [4] Grimston's History of the Netherlands, p. 556 to 667. [5] See the Appendix, 184, 185. [6] Alvarus Pilgius De Planctu Ecclesiæ, l. 1. art. 56, 62. f. 56. Sin non ex præsumptione privata, sed authoritate publica et communi rex in tyrannum conversus, vel alius tyrannus destruetur, vel ejus potestas ipsa refrenetur, non est putanda talis multitudo infideliter agere tyrannum destituens te si in perpetuum antea sibi se subjecerat, quia hoc ipse meruit in multitudinis regimine se non fideliter gerens, ut exigit regis officium, quod ei pactum a subditis non servetur, &c.

not disaffirmance of it, as lawyers speak. Thus, their making of a new seal in Edward the I. and the VI. his reign, fore-mentioned, was the highest confirmation of their authorities, and the greatest expression of the subjects loyalties that might be; and why the parliament making of a new great seal, to supply the absence and defects of the old, should be deemed a setting up of a new king against his majesty, more than the parliament's frequent constituting of lord-protectors, in former times, to supply the infancy, absence, dotage, or imperfections of our kings, (of which I have cited you many precedents elsewhere,) which all esteemed to be a ratification, not nullification or alteration of their royal authority, or the coining new money now, to supply the want of old, transcends my understanding to apprehend, since those who may lawfully make a viceroy, to represent the person or execute the soveraignty of a king, in his name and right, may, with as good reason and authority too, make a new great seal, to supply the defects and affected absence of the old; the seal being less than the person and soveraignty of the king, and the proper seal of the parliament.

2. This will further appear, by considering, in the second place, what power and authority our parliaments have claimed and exercised, as of right, over the custody and disposing of the great seal of England. First, they have usually chosen and nominated the lord-chancellor and keepers both of the great and privy seal of England, together with the lord-protectors, lord-treasurers, privy-counsellors, and other great officers of the realm, as I have [1] elsewhere plentifully manifested, and committed the great seal to the chancellors custody only. Secondly, they have ordered [2] that the chancellor should not be put from the custody of the seal, nor the seal taken from him, without the common counsel and consent of the whole realm in parliament; upon which ground Ralph Nevil, bishop of Chichester, *anno* 1236, when King Henry the Third, upon a displeasure, earnestly demanded the great seal of him, being then lord-chancellour, absolutely refused to deliver it to the king, saying, "That he could not do it, seeing he had received it by the common counsel of the realm, and therefore he neither could nor would resign it without the common counsel of the kingdom," to wit, the parliament. Yea, the [4] parliament, *anno* 28 of Henry the Third, (to prevent the abuses of the great seal, which the king then began to take from the chancellor, into his own custody, abusing it to ill ends,) voted, "That if the king, by any intervenient occasion, should take away the great seal from the chancellor, (who should always be chosen by the parliament, or at its assent,) whatsoever should be sealed in the interim should be reputed void and frustrate, till restitution of it were made to the chancellor." After this, [5] the parliament, in Richard the Second his reign, disposed both of the chancellor's place and the great seal; and Henry Scroope, made lord-chancellor by it, refused at first to deliver up the seal to the king, who demanded it of him; and when he extorted it from him, the whole kingdom were much displeased, and murmured against it.

Thirdly, the chancellor of England [6] hath resigned up his office and great seal of England, in, and to the parliament, who have disposed of it to a new chancellor, in parliament, as you may read in the parliament-rolls of 4 H. 6. Nu. 14, 15, without the king: And the [7] arch-bishop of York, lord-chancellor of England when King Edward the 4th dyed, was much blamed for delivering up the great seal of England to the queen-mother; whereupon the seal was taken from him, and delivered, by the lord-protector, to Dr

[1] See the Appendix, p. 137, 188. [2] See Francis Thin in Catalogue of Lord Chancellors of England, and the Second Part of the Soveraigne Power of Parliaments, p. 41 to 73. [3] Matthew Paris, Hist. Ang. p. 414. Matth. West., anno 122 . p. 223. Daniel, p. 157. Godwins Catalogue of Bishops, p. 186. Francis Thin, Catalogue of Chancellors. Holinshed, vol. 2. p. 1275. The Second Part of the Soveraigne Power of Parliaments and Kingdoms, p. 49. [4] Matthew Paris, Hist. Ang. p. 619 to 623. Daniel, 761, 762. Soveraigne Power of Parliaments, part 2 . p. 49, 50. [5] Walsingham, Hist. Ang. p. 143, 30, 31, 32. See the Sovereign Power of Parliaments, Part 2. p. 5 . 5 . [6] See the Second Part of the Power of Parliaments, p. 7. 1. [7] Speed, Holinshed, Grafton in 1 R. 5.

Russel, bishop of Lincoln. In regard of which disposing power, both [1] of the chancellor and great seal, by parliament, both of them are usually stiled, in statutes, the act for triennial parliaments, histories,' The Chancellor and Great Seal of England. How the parliament hath ordered and appointed the custody of the king's other seals, from time to time, I have shewed in the fore-cited acts, and will not repeat, but conclude, that if our parliaments have enjoyed such a power and jurisdiction over the great seal, the chancellors and keepers of it heretofore, when there was just cause, they might exercise the self-same power over them now, especially when both of them have bin purposely withdrawn, and detained from the parliament so long, to retard, annihilate its proceedings, contrary to law, and the act for its continuance.

Thirdly, the parliament hath exercised a power over the great seal, and other seals of the king; as the dutchy seal, exchequer seal, seal of the court of wards and liveries, of the court of augmentation, or first-fruits and tenths, staples, surveyors, seals of cloth and other merchandize, safe-conducts, customs, ecclesiastical courts, and the like; in prescribing what patents, charters, commissions, protections, warrants, grants, writs, pardons, should be passed under them, or any of them, and what not, and where the great privy seal shall be used to promote right, and where not used to stay right or justice, in any case whatsoever. This is evident by the several statutes of 13 E. 1. of Acton Burnel, and statute merchants, 25 E. 1. c. 1. 28 E. 1. c. 1, 2, 6, 20. 18 E. 2. statute E. 1. Prses. 2 E. 3. c. 8. 4 E. 3. c. 4. 5 E. 3. c. 2. 14 E. 3. c. 14, 15. Stat. 3. c. 1. and Stat. 4 15 E. 3. c. 3. 18 E. 3. Stat. 2. c. 1. 36 E. 3. c. 2. 42 E. 3. c. 9. 1 R. 2. c. 6. 5 R. 3. c. 9, 10, 14. 6 R. 2. c. 4. 18 R. 2. c. 1. 12 R. 2. 1, 8. 13 R. 2. c. 2. 13 R. c. 2. Stat. 2 c. 16 R. 2. c. 6. 2 H. 5. c. 4. 5 H. 5. c. 7. 10 H. 6. c. 7. 15 H. 6. c. 3. 20 H. 6. c. 1, 31. 13 Eliz. c. 7. 14 Eliz. c. 6 H. 6. c. 2. 1 E. 4. c. 1. 3 H. 6. c. 1. 4 H. 7. c. 14. 14 and 15 H. 8. c. 4. 21 H. 8. c. 16, 17, 20. 33 H. 8. c. 19, 21, 22. 27 H. 8. c. 2, 5, 11, 15, 16, 27. 34 and 35 H. 8. c. 16, 21, 26. 1 E. 6. c. 8. 39 Eliz. c. 5. 43 Eliz c. 4, 11, 12. 5 and 6 E. 6. c. 1. 1 Eliz. c. 1. 5 Eliz. c. 1, 4. 2 and 3 Phil. and Mar c. 20; above all, by the [2] act for the preventing inconveniences happening by the long intermission of parliaments, made this parliament, when fullest, by his majesties and both houses unanimous assents; with infinite other statutes. And as the parliament hath thus ordered and limited the use of the king's own seal, so likewise the seals of the sheriffs, coroners, corporations, mayors of staples, elector of knight burgesses of parliament, and sundry other persons, as to publick uses: witness the statute of Rutland, 10 H. 1. 13 E. 1. the statute of Acton Burnel, of statute merchants, 13 E. 1. c. 13, 31, 39. the statute of *quo warranto*, 18 E. 1. 1 E. 3. c. 8. 2 E. 3. Stat. 3. c. 5. 5 E. 3. c. 2. 10 E. 3. c. 3. 14 E. 3. c. 16. 25 E. 3. Parl. 3. c. 16. 25 E. 3. Parl. 5. c. 1, 5, 21. 27 E. 3. Parl. 2. c. 4. Parl. 3. c. 1, 9. 42 E. 3. c. 1. 12 R. 2. c. 7, 8. 13 R. 2. c. 11, 18. 1 H. 4. c. 1, 19. 2 H. 4. c. 17. 4 H. 4. c. 13. 9 H. 4. c. 2. 11 H. 4. c. 6. 1 H. 5. c. 9. Parl. 2. c. 5. H. 5. c. 3. Stat. 2. 6 H. 6. c. 4. 8 H. 6. c. 18. 6 H. 6. c. 10. 11 H. 6. c. 9, 16. 15 H. 6. c. 6. 18 H. 6. c. 7. 1 E. 4. c. 1. 14 E. 4. c. 1. 8 E. 4. c. 1. 1 R. 3. c. 8. 14 and 15 H. 8. c. 3. 23 H. 8. c. 7. 25 H. 8. c. 19. 26 H. 8. c. 14. 1 E. 6. c. 14, with other acts. Therefore the parliament may, by the same, or like reason, exercise a jurisdiction in making a new great seal, and directing the use of it for the common good, to supply the absence of the old.

Fourthly, the parliament hath caused this new seal to be made, principally to compleat the house of commons, by sealing writs for new elections of knights and burgesses, in place of the old, who are dead, or justly expelled: and what power of the kingdom and parliament have anciently exercised in this, or the like cases, I shall give you a brief account. First, the lords and commons have sundry times, in former ages, not only enforced our kings to summon a parliament against their wills, when necessary, but likewise sent

[1] See 5 Eliz. c. 18. 13 Eliz. c. 7. 14 Eliz. c. 6. The Act for Triennial Parliaments. [2] 16 Car. c. 1.

out writs to summon a parliament, and elect knights and burgesses, under the great seal of England, in our kings names, without their privity and assent; as I have elsewhere manifested[1] by sundry precedents. And by the very act for the[2] triennial parliament, (assented unto by his majesty, and all the lords and commons who are, or were with him at Oxford, this very session of parliament,) it is expressly provided, "that in case the king refuse or neglect to summon a parliament every three years, next after the last day of the last parliament preceding it, by writ, under the great seal of England, (so frequently stiled in this act,) that then every lord-chancellor of England, the lord-keeper of the great seal of England, and every commissioner and commissioners for the keeping of the great seal of England for the time being, within six days after the tenth day of September, in every such third year, shall, in due form of law, without any further warrant, or direction from his majestie, his heirs or successors, seal, issue forth, and send abroad several writs of summons to the respective peers of the realm, and writs of elections to the sheriffs of the several counties, cities, and boroughs of England and Wales, &c., for the electing of knights, citizens, and burgesses, to serve in parliament: prescribing, that every lord-chancellor, keeper, and commissioner aforesaid, shall take an oath, truly and faithfully to issue forth and send abroad all writs of summons to parliament, for both houses, at such time, and in such manner as is expressed in this act, under pain of being disabled, *ipso facto*, from their places, in case of refusal or neglect. And then the lords are ordered to meet at Westminster, without writ or summons; and any twelve of them are enabled to grant out writs of summons, under their hands and seals, to all sheriffs of counties, cities, and boroughs, which shall be of the same force, to all intents, as the writs of summons to parliament under the great seal of England. And in case the lords neglect or refuse to issue such writs, then the sheriffs, mayors, and bailiffs of counties, cities, and boroughs, without any writ at all; and, in their default or neglect, the free-holders and citizens of each county, city, and borough, are enabled to elect knights, citizens, and burgesses, without any writ at all, and the election and parliament to be as effectual as if summoned under the great seal of England." If, then, a parliament may be thus summoned by the lord-keeper himself, by a writ under the great seal, without the king's privity, or contrary to his command, or by a writ under the lords seal only, or without any writ at all, in some cases, and that by express provision of an act made this parliament, why this parliament may not, by as good, or like reason, (now it is assembled and perpetuated by another act,) make a new great seal, to seal writs of election, or grant out their writs without the great seal, by an ordinance of parliament only, to compleat the houses, now the great seal hath been so long absent, and such writs refused to be issued under it, though oft desired, (without any danger of treason, or derogation to the king's prerogatives,) I cannot yet discern; it being far less for a sitting parliament, in this case, to make a new great seal, or issue out writs of election, without the king's privity, (now in arms against it,) to recruit its own members, than for the chancellor, keeper, lords and commons themselves, out of parliament, thus, either with or without writ, to summon and hold a parliament, without, yea, against the king's assent, his proclamations, or inhibitions to the contrary. And those fundamental principles of law, state policy, with that sovereign power of the parliament and kingdome above our kings, which induced both houses thus to make, and his majestie readily to assent to this late act, for the common benefit and safety of the realm, in case his own or the lord keepers wilfull neglect or refusal to doe their duties, will doubtless inable the houses, now sitting, to make a new great seal, or issue out writs of election, errour, and the like, either under it or without it, during the voluntary absence of the king, lord-keeper, and great seal from the parliament, (contrary to law, custom, duty, oath,) of purpose to compleat the houses, and expedite publick justice, obstruc-

[1] The Sovereign Power of Parliaments, part. 1. f. 8 to 16.

[2] Carol. c. 1.

ted by their absence. And the rather may the parliament doe it in case of writs of election, because such writs, with the elections made by virtue of them, have usually been ordered, formed, issued out, determined, judged only by the parliament: and writs for new elections (by reason of death or removal) have issued out, of course, by order or warrant from the speaker, or commons house only, without special warrant from the king himself, without refusal or denial, as is evident by the statutes of 5 Rich. IX., cap. 4; 7 Hen. IV., cap. 14; 18 Hen IV., cap. 1; 8 Hen. V., cap. 1; 6 Hen. VI., cap. 4; 8 Hen. VI., cap. 7; 10 Hen. VI., cap. 2; 23 Hen. VI., cap. 2; 23 Hen. VI., cap. 11; 32 Hen. VI., cap. 15; 8 Hen. VIII., cap. 16; 35 Hen. VIII., cap. 11; Br. Parliament, 7; Dyer, f. 60; Compton's Jurisdiction of Courts, f. 3, 4, 16. Neither can they be denied, or the houses kept incompleat, against their wills, by his refusal, without apparent breach of the priviledge of parliament, yea, of Magna Charta itself, as the lords resolved, *anno* 1256, in Henry the Third his reign, and the whole parliament since, 1 Hen. IV., Rot. Parl. num. 21, 22, as I have[1] elsewhere proved.

From all which authorities I humbly conceive the parliament may lawfully, in the case fore-stated, both make a new broad seal and keeper of it, to fill up the houses, and redress the obstructions of justice, of parliamentary proceedings, occasioned by the great seal's absence.

To these authorities I shall annex the ensuing reasons both of law and state :—

First, The parliament, the supreme power and judicature in England, having the chief interest and propriety in the great seal of England, in respect of its publick use, may lawfully new-make and use that seal, which is its own, in respect of property and use, and the king's only as their publick minister.

Secondly, That the parliament, being the chief state-physician of the realm, may, and ought, by law, to redress all publick grievances; therefore the grievances and obstructions of justice occasioned by the old great seal and lord-keeper's absence, or abuse, by making new.

Thirdly, The parliament may, and ought to supply all defects, defaults of state-officers, law affairs, prejudicial to the realm: Hence it always hath supplied the minority, dotage, or absence of our kings, by constituting a vice-roy of their own election, to exercise all royal authority; the absence of the lord-keeper, or speaker of the lower house, when sick, by substituting others to supply their places; the defect of the common law, by new statute-laws; and provided new laws, courts, seals, against new mischiefs, not remediable by old acts. This appears most lively by the act for triennial parliaments, fore-cited, wherein the "wilfulness and negligence of the king is ordered to be supplied by the lord-keeper; the lord-keepers by the lords; the lords by the sheriffs of counties, mayors, and bailiffs; and theirs by the freeholders, citizens, and burgesses." The council of Basil, and others[2] fore-cited, are to like purpose, and the statute of 25 Hen. 8. c. 21; "which law, abolishing the pope's authority, enables the archbishop of Canterbury to grant all ecclesiastical licences and dispensations here, which the pope alone formerly granted at Rome; and then provides, that in case the archbishop should wilfully and obstinately refuse to grant such licences and dispensations to those who demanded them, without a just and reasonable cause, that then an injunction should issue out of the chancery, under the great seal, to him, commanding him to grant them; and if he then wilfully refused to do it, that then the king, upon every such default and wilfulness, should grant a commission, under the great seal, to any two prelates, or spiritual persons, that would grant them, by an instrument in writing, under their seals." The parliament, therefore, now summoned and sitting, by like reason lawfully may, and is bound in duty to supply the present wilful absence of the lord-keeper and great seal, (treacherously carried from it, beyond ex-

[1] See the Second Part of Soveraigne Power of Parliaments, p. 7, 42. [2] Ibid, part I. edit. 2. p. 10.

pectation, contrary to promise, and so long detained thence,) by constituting new ones in their places. It was one principal article preferred by [1] the parliament against Cardinal Wolsey, "That when he was sent ambassador into Flanders, to the emperor, he carried the great seal with him, without the king's consent;" for which he was displaced and fined. Much more, then, may the parliament displace the lord-keeper, for carrying away the great seal (the only seal of this high court) in a surreptitious manner from them, contrary to his duty, without and against their consents, and make a new great seal and keeper, in lieu of the old.

Fourthly, The parliament is bound to take care that publick justice (according to Magna Charta and other acts) be not delayed, nor denied to any subjects that desire or need it, being the supreamest court of justice, to punish all offences, neglects, supply all defects in the highest officers of justice; therefore, to provide a new broad seal and keeper of it, since publick justice is denied to most, obstructed, delayed to all, by the unlegal, wilful absence of the old great seal and lord-keeper from the parliament and courts of Westminster.

Fifthly, the houses of parliament, in point of honour, trust, duty, more especially since their late protestations and covenants, are bound universally to preserve their own just privileges, rights, and liberties, whereof these are indubitable ones: "That the lord-chancellor and keeper of the great seal of England, together with the seal itself, remaining in his custody, ought always constantly to attend the parliament, and be present with it." First, [3] because the lord-chancellor, or keeper of the great seal, is always a necessary member of the upper house, and the speaker of it, by vertue of his very office; secondly, because not only constant custom, but [4] sundry acts of parliament require the chancellor and keeper's special presence in parliament, in direct terms; thirdly, because the chancellor and great seal are, and ought to be necessarily present in parliament, being the only proper seal of this highest court, for divers publick ends: 1. To issue out writs [5] of summons and new elections, for summoning the members of both houses, as oft as there is need, to keep the houses compleat; 2. To seal writs of [6] error brought in parliament; 3. To seal [7] writs of privilege for members of parliament, or their menial servants, when there is cause; 4. To issue and seal such [8] new writs as shall be devised in parliament upon new occasions; 5. To issue out and seal such [9] commissions as shall be necessary upon publick imployments, trials, criminal or judicial, taxes or subsidies, appointed in and by parliament; 6. To seal such [10] patents and charters of honours, lands, privileges, offices, and the like, which shall be thought meet to be granted in parliament, as most old charters were; 7. To seal parliament pardons, and all proclamations, exemplifications of private acts of parliament, and such acts as are to be proclaimed to such who require them. 2 H. 5. c. 4. 1 R. 2. c. 6. 1 H. 7. f. 23, 32. Corone. 49. 33 H. 6. 17 Parl. 1. 21 E. 4. 56. Dyer, 135. Cooke, l. 8. f. 7, 8, 28. 43 E. 3. c. 5. 2 H. 5. c. 46. 1 H. 6. c. 2. 26 E. 3. c. 16, Ashes Tables Proclamation, 39.

In all these respects, with others, the lord-chancellors, keepers, and great seals presence being simply necessary in parliament, (where, by law and custom, they ever have been, and ought to be, till this late precedent,) the houses lawfully may, and, in point both of honour and justice, ought, for the maintenance of their own undoubted privileges, to constitute a new great seal and keeper of it, if the old be not returned to them speedily, having been wilfully, above twelve month's space, withdrawn, de-

[1] Hall's Chron. 21 Hen. 5. c. 19. Grafton, p. 1191. [3] 9 Hen. 3. c. 29. 2 Edw. 3. c. 8.
[3] See Modus Tenendi Parliament, Cambden, Holingsh. Vowel, and Sir Thomas Smith, l. 2. c. 1. in their Treatises of the Parliament of England, with all the journals and parliament rolls. [4] 14 E. 3. c. 5. 15 E. 3. c. 4, 5. Stat. 1. 31 H. 8. c. 10. [5] Brooke, Parliament, 7. Dyer. 60. a. [6] 1 H. 7. f. 19, 20. Ashes Tables, Error, 65 [7] Dyer, f. 59, 60. 5 H. 4. c. 6. Br. Parl. 11. 1 Jac. c. 23. [8] Stat. of Winchester, 13 E. 1. c. 24, 28 Register, f 271. [9] 14 E. 3. c. 5, and all acts for subsidies. [10] See the Sovereign Power of Parliaments, part 2. p. 25, 61, 66, 67, 68, 70, 71, and here, p. 2, 3.

tained from them, on purpose to dissolve the parliament, retard or frustrate all its proceedings, and stop the common course of justice, contrary to all law and justice.

In few words, this parliament, without any exception of king, courtiers, malignants, or any other I have yet heard of, have made a new master of the mint, at least, restored an old one to his place, who was dispossessed, coined money, and made new stamps for that purpose, where the old were broken or worn out, without the king's consent, or any tax of treason or disloyalty: Therefore, by the self-same law and reason, they may lawfully make a new great seal, and lord-keeper of it, for the ends aforesaid, to supply the absence, defects, and prevent the gross abuses of the old, without any treason or disloyalty.

The Votes of the House of Commons, together with their Reasons for the making of a New Great Seal of England, presented by them to the Lords, at a Conference, July 4th and 5th, anno 1643.

Resolved upon the question, (Jan. 14 and 26,)

1. That the great seal of England ought to attend the parliament.
2. That the absence of it hath been a cause of great mischief to the commonwealth.
3. That a remedy ought to be provided for these mischiefs.
4. That the proper remedy is, by making a new great seal.

The Mischiefs occasioned by conveying away the Great Seal from the Parliament (represented to the Lords at a Conference, July 5th, 1643,) *are these:*

1. It was secretly and unlawfully carried away by the lord-keeper, contrary to the duty of his place, who ought himself to have attended the parliament, and not to have departed without leave, nor should have been suffered to convey away the great seal, if his intentions had been discovered.

2. It hath been since taken away from him, and put into the hands of other dangerous and ill-affected persons; so as the lord-keeper, being sent unto by the parliament, for the sealing of some writs, returned answer, That he could not seal the same, because he had not the seal in his keeping.

3. Those who have had the managing thereof have imployed it to the hurt and destruction of the kingdom sundry ways: By making new sheriffs, in an unusual and unlawful manner, to be as so many generals, or commanders of forces raised against the parliament; by issuing out illegal commissions of array, with other unlawful commissions for the same purpose; by sending forth proclamations against both houses of parliament, and several members thereof, proclaiming them traitors, against the privileges of parliament and laws of the land; by sealing commissions of oyer and terminer, to proceed against them, and other of his majesty's good subjects, adhering to the parliament, as traitors; by sending commissions into Ireland to treat a peace with the rebels there, contrary to an act of parliament made this session. Besides, divers other dangerous and illegal acts have been passed under the great seal, since it was secretly conveyed away from the parliament, whereby great calamities and mischiefs have ensued, to the kingdom's prejudice.

The Mischiefs proceeding through want of the Great Seal.

1 The terms have been adjourned, the course of justice obstructed.

2. No original writs can be sued forth, without going to Oxford; which none who holds with the parliament can do, without peril of his life or liberty.

3. Proclamations in parliament cannot issue out, for bringing in delinquents impeached of high treason, or other crimes, under pain of forfeiting their estates, according to the ancient course.

4. No writs of error can be brought in parliament, to reverse erroneous judgments, nor writs of election sued out for chusing new members, upon death or removal of any; whereby the number of the members is much lessened, and the houses, in time, like to be dissolved, if speedy supply be not had, contrary to the very act for continuance of this parliament.

5. Every other court of justice hath a peculiar seal; and the parliament, the supremest court of England, hath no other seal but the great seal of England, which being kept away from it, hath now no seal at all; and therefore a new seal ought to be made.

6. This seal is *clavis regni*, and therefore ought to be resident with the parliament (which is the representative body of the whole kingdom) whiles it continues sitting; the king, as well as the kingdom, being always legally present in it during its session.

A Letter from Mercurius Civicus to Mercurius Rusticus; or, London's Confession, but not Repentance: Shewing that the Beginning and the obstinate Pursuance of this accursed horrid Rebellion is principally to be ascribed to that rebellious City.

By Samuel Butler. 1643.

——— *En quò discordia Cives?*
Perduxit miseros. Virg. *Eclog.* 1.

Good Brother Rusticus,

Though there have been some unkinde jars between my brother Aulicus and me, yet my earnest desire is to keep a good understanding between yourself and me. I cannot but congratulate your happinesse, that breathe in so free an ayre, wherein it is lawfull to heare and speak truth O truth, sacred truth! whither art thou fled? If you at Oxford did not give her entertainment, I know not where she would find a place of aboad; for here at London we fortifie against her to keep her out; nay, with us in the city, it is come to that passe, that it is almost as dangerous to speak truth as love the king. You know how famous we have been here for publishing and printing lyes. He that will not lye to advantage, the great cause in hand, is not, amongst us, thought fit to have accesse either to the pulpit or the presse; and therefore, when I was first set on work to communicate intelligence to the kingdom, to indear myself to them that imployed me, I played my part reasonably well; I lyed my share; but at last, admonished by our brother Aulicus,[1] and, to confesse to you, touched a little in conscience,

[1] Mercurius Aulicus communicating the intelligence and affairs of the court to the rest of the kingdom. This was a sort of newspaper, or rather a periodical publication on the side of the royalists, conducted chiefly by Sir John Birkenhead, with the assistance of Dr Heylin and others.

I began by degrees to take off myself from that unwarrantable course, and did here and there sprinkle a little truth, yet very sparingly, lest I should be thought to be turned malignant or cavalier: but as little as it was, it was distastfull; for hereupon Mr Pim, and the remainder of the five members, assisted by Mr Martyn, illiterate Serjeant Wild, Peard, (that hath lesse law, if it be possible, than the serjeant,) and some others, that have sworn never to indure truth again, since they have thriven so well by lies, moved, at the close committee, to have me silenced; yet, to blind the world, as if their ayme were not at me alone, they involve others in the same doome, and for intelligencers, by an order they bung up all our mouths at once; yet knowing how much it concerned them that the old trade went on, though since they have permitted another to make use of my name, [1] yet at first they gave authority to one man onely to lye for all the rest: him they call the Parliament Scout; not Bulmore, the scout, that was slain at Whetley-bridge, neer you at Oxford; I meane not him: yet if you look into his weekly pamphlets, you would sweare that he had no more braines in his head than Bulmore had when they were shot out.

This man, indeed, tells you some truths, but such antiquated ones, that they were stale newes above a thousand yeares since; as, that on the borders of Scotland there dwelt a people whom they called Picts; that there was a wall built between England and Scotland, and the like. While he keeps at this distance, and comes no nearer, he never needs feare that the heeles of the times may chance to dash out his teeth. He may write on; but if once he come to publish any moderne truths, as that his excellency durst come no nearer Oxford than Thame; that Fairfax is beaten in the north, and Waller and Warwick in the west, or the like, he were best looke to himselfe: he may read his fate in us: these new reformers will never brooke it.

Since, therefore, we are here inslaved either to lies or silence, that the world may not for ever be kept hoodwinkt, goe on (I pray) as you have begun, to let her see the miseries under which she dayly suffers. But me thinks it would be a work well worthy your endeavour, to let the country see not only their miseries, but to point them out the fountain and source from whence they flow: this discovery hath beene within me as wine that hath no vent, ready to burst, like new bottles; yet, as full as I am, I dare not vent my thoughts concerning this here, but have chose rather to whisper them to you; for it is in vaine to dissemble it. Your sad stories of the ruine and devastation of the countrey are echoed in our streets; and though we beare it out in a vaunting way, as if these things concerned not us, yet I assure you there are many soules that mourne in private, (for in publique we must be as mad as the rest, or else we suffer as malignants,) as knowing how justly we stand charged with all those calamities which the sword of rebellion hath wrought upon you. I never heare that of the prophet read, "Woe to the bloody city; it is full of lies and robbery," but I cannot choose but think of London.

It is too manifest, nor can it be denied, but that all your sufferings have been derived from us. When common prayer was in use amongst us, I remember such a query in one of the prophets, "Is there any evil in the city, and the Lord hath not done it?" But you may aske, Is there any evill in the countrey, and the city hath not done it? You have made us rich and populous, and we, in foule ingratitude, have prodigally powred out both our wealth and strength to make you and ourselves miserable.

Well might the incendiaries of this present rebellion (so I dare call it to you, though I dare not speak so plain here) bring violent affections, eager endeavours to set this flourishing church and kingdom in combustion: But, alas! all this had signified little or nothing, had they not gained our consent, and we resigned up our per-

[1] He seems to allude to Mercurius Britannicus, conducted by the infamous Marchmont Needham, on the part of the parliamentarians.

sons and estates to their disposall, to be madethe base instruments to compasse their most trayterous designes. Could Say, or Pim, and their beggarly confederates have found money to levie an army against their liege lord, that had not money to pay their own debts, had not we furnished them? If we shall without partiality consider the severall helps which this city hath contributed to this rebellion, we must confesse, that both the beginning and continuance of this unnatural warre may be ascribed to us; so that in all England there is but one rebell, and that is London. To reflect a little, and look back on those times when this rebellion was but an embrio, or else did begin to creepe into the world, (for we may not think that this monster was a brat of a suddain birth,) though it were conceived (some say) neere Banbury,[1] and shaped in Gray's-Inne Lane, where the undertakers for the Isle of Providence did[2] meet and plot it, yet you know it was put out to nurse to London.

For, first, you may well remember when the puritans here did as much abominate the Military Yard or Artillery Garden as Paris Garden it self: they would not mingle with the prophane: but, at last, when it was instill'd into them that the blessed reformation intended could not be effected but by the sword, these places were instantly filled with few or none but men of that faction. We were wont, you know, to make very merry at their training: some of them in two yeares practice could not be brought to discharge a musket without winking. We did little imagine then that they were ever likely to grow formidable to the state, or advance to that strength, as to be able to give the king battle; but after a while they began to affect, yea, and compasse the chief officers of command; so that, when any prime commanders dyed, new men were elected, wholly devoted to that faction; and it became a generall emulation amongst them, who should buy the most and the best armes.

Secondly, That they might fill all places of authority with such as should advance the designe, all care is taken to fill the bench of aldermen and the common-councel with men disaffected to the government, both ecclesiasticall and civill. To this purpose, if London did not afford men bad enough, they would call them from other corporations, as Alderman Atkins from Norwich, and the like: but if he had seen Amsterdam, or had been an adventurer to New England, or been the host of the silenced minsters, he was a jewell: nay, some will tell you, and I am much of their opinion, that the faction have had so great a care of this, that they have chosen some men to places of the best esteem in the city, whose estates were not able to defray the charges, but have been supported by a common purse: and, if you have not forgotten it, there was a motion, you know, made, that honest men, so they call themselves, might beare the magistracy, and the city beare the expence. Some men thought that this proposall had especiall relation to those two beggarly captaines, Ven and Manuring, who, having nothing either within or without them, to render them fit for government, yet, in this rebellious city, were thought most fit, because most averse from what was by law established.

Thirdly, Because all this could not compasse the end they aymed at, unlesse the clergy did conspire with them, and contribute their help, and because they found very few of the settled clergy here in the city (except Dr. Gough, M. Jackson, Votier, Simons, Walker, and a very few more) compliant with their indeavours, they laboured, by all meanes possible, to introduce that gibbus, or excrescency of the clergy, called lecturers, over their parochiall ministers heads, whose maintenance being dependent, (yet a portion, by double leases, and other sacralegious devices, stolne from their owne parsons, so that the barren mountaines of Wales afford not so many poore, and, as Sir Benjamin Rudyer was wont to call them, scandalous livings together, as

[1] The puritanism of Banbury was famous.

[2] The intention of the principal leaders of the parliament party to embark for New England is well known.

are to be found within the walls of London,) must preach such doctrine as may foment disloyalty, and instill such principles into their auditors as may first dispose them to, and after engage them in rebellion, when things were ripe, or else they shall want bread to put into their heads. The truth is, brother Rusticus, these military preparations had effected little, had not the fire been given from the pulpit.

And because they saw how successefull this course was, and what strange effects it wrought in our city, a fourth design was, to place some of their emissaries in all corporations, (those nurseries of schisme and rebellion,) and in the most eminent parts of the kingdom. For this purpose, a most specious and pious pretence is held out to the world,—the buying in of impropriations. Feoffees are appointed, men of publique callings, as clergymen, lawyers, and citizens whose imployments must needs render them knowne to many, and men of noted zeale, in the opinion of the world, (such as it was,) thereby to gaine the reputation of religion to the undertaking. The lecturers (and others too) deceived by the outside of this project, stirre up the rich and well-affected to contribute liberally to this so religious an act, of redeeming the Lord's portion out of lay-hands; and amongst the last counsells given to the dying, (and then commonly they make deepest impression,) this was never forgotten. By this meanes great summes were advanced, and the world stood at gaze, to see the great returne which would be made to the church of that which sacraledge had made a lay-fee. After any were redeemed, how long the revenues were held in the feoffees hands, what pittances were allowed to the incumbents, how they robb'd Peter to pay Paul, and established a lecture, perhaps, in Cornwall, with the tithe of a parsonage in Yorkshire, or the like, appertains not to my present purpose.

The thing that I shall observe unto you is, the great care and art used in fitting men for their service, and then disposing and securing them in their employment, from any molestation of ecclesiasticall censures. To this end, first, they account it necessary to plant two seminaries; the first an initiary seminary. To this purpose, they project the buying of an headship in one of the universities for some eminent man of their own party, under whose influence their novices might be trained up in their mysteries; though some houses, in both universities, were notorious enough in this kind before, and might have saved them this labour, as Magdalen-Hall and New-Inne in Oxford, and Emanuell College and Katharine-Hall in Cambridge.[1]

The second was a practique seminary, and that was at St Antholines here in London, and did, *in spiritualibus*, answer to the Artillery Garden, being a place to traine up their young emissaries, where they might take an essay of their affections and abilities, and, by the bewitchments of gaine and popular applause, deeply engage them in their faction: and from this seminary were most of their new bought impropriations fill'd. And as they had their salary from, so they were subordinate to a *classis*, or clero-laicall consistory, who had power to transplant their most hopeful imps either into their purchased impropriations, or else into a lecture, in some of the most populous places of the kingdom, maintained by a borrowed portion from an impropriation elsewhere. Yet this consistory did not, in their choice, strictly tye themselves to the plants of their own nurseries; but if any man had been a pseudo-martyr for their cause, or had been sentenced by the high commission for non-conformity, or, by some notorious undertaking, had evidenced and declared himselfe, and irrevocably, without apparent note of infamy and levity, (if he retracted,) ingaged himselfe to their party, or had letters testimoniall from Patriarch White of Dorchester, Mr Cotton of Boston, or the like, (for Calamy and Marshall were not, as it is said of Dathan and Abiram, as

[1] This was the church where the Scottish commissioners heard their own chaplain hold forth, to the edification of immense crowds of citizens, who flocked to hear.

yet famous in the congregation,) this man was a choyce plant, and fit for their soyle.

Secondly, Being planted abroad, their second care was, that whatsoever they preached, though never so derogatory to the government, either ecclesiasticall or civill, yet they might be free from molestation, and preach on, without danger of losing their maintenance, by ecclesiasticall censure. To this purpose, they attempt the buying a commissaries place there where they intended to make any speciall plantation; who, being after their own hearts, might winke at their irregularities; and though the church-wardens should, by chance, be so honest to regard their oathes, and present them, yet by the purchased or bribed commissary they may secure them from the danger of the court.

Lastly, For feare lest any of their creatures should fall from them, and desert the cause, as some had done, when they had got what they looked for, wisely they provide, that their maintenance shall be dependent on the pleasure of their good masters the feoffees, alterable by addition or subtraction, according to their merits or demerits, and their persons subject to be casheered, if they preach not to the advancement of their holy cause, and according to the directions sent unto them from the conclave of their elders at London: That so, as much as humane policy could invent, they might (to use Mr Foxlie's own words, speaking in this argument) establish the gospel by a perpetuall decree.

When all things were now ready, their emissaries having prepared the hearts of the people to rebellion, first alienating them, by frequent slandering the footsteps of God's annoynted, decrying the government both of church and state, fomenting the causelesse discontents, and aggravating the necessities of state, with the odious names of tyranny, arbitrary power, violation of the subjects liberty and property, and likewise possessed the credulous multitude, that the conformable clergy had made a revolt from the protestant religion, and had an earnest intention to introduce popery,—at last was fulfilled that prophecy of judicious Mr Hooker, towards the end of the preface to that incomparable work of Ecclesiastical Policy, "that after the puritans have first resolved that attempts for discipline are lawfull, it will follow, in the next place, to be disputed, what may be attempted against superiors, who will not have the scepter of that discipline to rule over them." Which prophecy we see exactly fulfilled in our dayes; for the puritans having first rebelled by a proxy, they then thought it seasonable to take an essay what an entertainment the doctrine for taking up armes against the king would find amongst their disciples.

To this purpose, Doctor Downing, a man fitted for any base employment, and one that (whatever he counterfeited) ever looked awry on the church, in which (being setled and in peace) he could never hope to advance farther than vicar of Hackney, was to feele the pulse of the city. While, therefore, discontents runne high in the north, the Scots having in a hostile manner entered the kingdome, the people every where, especially in London, stirr'd up by some agents to petition the king for this parliament, Dr Downing, preaching to the brotherhood of the Artillery Garden, positively affirmed, that for defence of religion, and reformation of the church, it was lawful to take up armes against the king.

He having thus kindled the fire in the city, for feare of being questioned, (for as yet it was not lawfull to preach treason,) retired privately to the earle of Warwicke's house in Essex, the common rendevouz of all schysmaticall preachers. This sermon in every place administring matter of discourse, people censured it as they stood affected; which gave occasion to the ringleaders of this faction to enter upon a serious examination and study of this case of conscience. And, it seems, consulting the jesuites on the one side, and the rigid puritans on the other, or, indeed, because, without admitting this doctrine, all their former endeavours would vanish into smoak, they stood

doubtfull no longer, but closed with these two contrary factions, yet shaking hands in this poynt of rebellion, and subscribed to Dr Downing's doctrine, as an evangelicall truth.

And that in this I may not be thought to speak as if I were a parliament intelligencer still, for the truth of this I appeale to Mr Stephen Marshall himselfe, who, being pressed by Mr Simons, that, heretofore, he was of another opinion, ingenuously confessed it, but withall affirmed, that on Dr Downing's sermon, having a hint given them, the brethren did enter upon an examination of the doctrine, and upon examination found it true: though the truth is, they whispered this doctrine long before, in their conventicles, but never durst proclaime it in their pulpits, before they saw an army in the bowells of the kingdom, to make it good by the sword, and a faction in a parliament coming on, that would authorize rebellion, under this pretence, by their votes and ordinances.

After it was once owned as a truth, and a truth first scann'd and then avowed by Marshall, Calamy, Downing, and Colonell Cornelius Burges, and the rest of their elders, that, for the cause of religion, it was lawfull for the subject to take up armes against his lawfull soveraigne, good God! how violently did the people of London rush into rebellion? How plyable did the faction in parliament find them to raise tumults, make outcries for justice, call for innocent blood, subscribe and preferre petitions against the holy lyturgy and the hierarchy, root and branch, if Doctor Burges did but hold up his finger to his mermidons, or Captain Ven send his summons by his wife, to assemble the zelots of the city?

But, because all other attempts had been to little purpose, while the power of the sword remained in his hands into which God hath put it, the heads of this rebellion consider, that it was more feazable by secret practises to render the king unable to withstand them, than for them openly to oppose the king; therefore their main indeavour is to wrest the power of the militia out of the king's hands by degrees, and to put it there where they might place the greatest confidence.

But this was a work not easily affected: great changes could not be ushered in but by great preparations to make way for them: hereupon, the faction in parliament make it their first work to make this city wholly theirs, that one soule, as it were, might animate both representative bodies, that of the kingdome, and this of the city; knowing that it was in vaine for the faction in parliament to contrive, unlesse the faction in the common-councell in London would execute; for though there were some flourishes made from Buckingham shire, in the behalfe of Mr Hampden, and from Leicester-shire, in the behalfe of Sir Arther Haslerigge, and the like, yet the standing guard, and power of the faction in parliament, on which they relied to affront the king, and save themselves from the justice of the laws, was that fixed here in London.

And because where feare doth possesse the multitude, it makes them work, not like agents, but like instruments, and moulds them to a temper fit to receive impressions from those in whose wisdoms or loves they repose themselves, making them pliable to all directions and counsells which shall be given by them whom they esteeme patriots of the common-wealth, and assertors of the liberties and safety of the people, all possible art was used to possesse the kingdome, but especially the city, with strange jealousies and feares; and therefore, besides the often inculcating the fained intention of introducing popery, great preparations in France and Denmarke to invade the kingdome, to inable the king to governe arbitrarily, to the subversion of the fundamentall lawes of the kingdome, together with the liberty and property of the subject, (theames that did continually possesse both the pulpit and the presse, which how true though most impudently affirmed, the world now sees,) each day did produce a discovery of some new treason; and to indeare the city the more, it must be so contrived,

that in these monstrous fictions you shall continually find the parliament and city fained to be involved in the same danger.

To possesse the kingdom how mortally the parliament and city (the two vitall parts of the kingdome as Pym calls them) were threatned, in the time of the recesse, they take opportunity of the petition delivered by the troopers from the north, and, by an order from the committee, they appoynt strong watches to be kept in all high-wayes, villages, and townes, within twenty miles of London, that travellers into all parts of the kingdome, passing through these guards, might report, when they came home, in how much danger the parliament and city were for their sakes.

And that the credulous people might not think but that this was done on good grounds, a letter is written from the parliament commissioners in Scotland, Mr Hampden, Mr Fiennes, and the rest, to Mr Pym, and the close committee here, to inform them of a strange conspiracy discovered in Edenburgh, to seize on the persons of the marquesse Hamilton, and the earles of Argyle and Lanericke. The committee, wisely considering that it was no strange thing for treason to make a step out of Scotland into England, instantly provided against it, (at least so they would be thought,) by publishing an order, commanding the justices of peace of Middlesex, Surrey, and Southwarke, to secure the city, and the places adjoyning, from all danger, by strong guards, well armed, and give this reason for their order,—because the mischievous designes and conspiracies lately discovered in Scotland, against some principall and great men there, by some of the popish faction, gives just occasion to suspect that they maintain correspondence here, and practise the like mischiefe.

Presently upon the neck of this, Mr Pym's life (to the great detriment of the kingdom and nation) is endangered, by a contagious plaister of plague-sore, wrapt up in a letter, and directed to him: but, God be thanked, the infection did not take, though, throwing away the plaister only, he put the letter in his pocket, he being reserved for another manner of death (we hope) than to die privately in his bed, with a few spectators to beare witnesse of his end.

Then comes a taylor out of a ditch, in Finsbury Fields, having miraculously escaped being runne nine times besides the body, (for, like a wise taylor, wheresoever he made ilot holes, he would be sure to make none in his own skinne, though to gain credit to the relation,) and he tells a strange discovery of a treason, which he overheard two men talking of,—a conspiracy against the life of the lord Say, and some of the chief members of both houses; a thing so improbable, indeed so ridiculous, that had they not thought that the world stood prepared to receive any thing for truth which came from them, 'twas a wonder how they durst own it. And now I have named a taylor, it puts me in mind of Perkins, my lord Say's taylor, who, at a common councell, produced a copy of a letter from an, I know not what, Irish lord in Paris, to such another Irish lord in London, intimating some strange designe against the city, which took as passionately with the people, as if it had been certified from Mr Strickeland, his worship himselfe, embassador for the two houses unto the states-generall of the United Provinces. But the most monstrous of all the rest, and that which, if the people had not been accursed to believe lies, was the invisible army quartered under ground, at Ragland Castle, discovered by John Davis, servant to Mistris Lewis, an inne-keeper at Rosse, to Alderman Acton's coachman: except the blowing up the Thames with gunpowder, to drowne the city; one of the most dangerous plots that ever affrighted London.[1]

[1] Most of these plots, which appear to have been artifices used to keep up the alarm against the cavaliers, are mentioned in the following passage:—"But notwithstanding all these instances, forbearing to give any censure therein, I shall now proceed, and trace them in farther practises for accomplishing their designed ends, and give instance in the militia; for obtaining whereof, I find myself best guided by their feigned plots and conspiracies; the first of which was Mr Pym's letter, delivered to him[1] at the parliament house, by a porter, (from a pretend-

[1] 25th Oct.

And as, by their own fictions, they endeavoured to possesse the people with jealousies, so whatsoever the king did never wanted a sinister interpretation, glossed to the multitude, to tradnce his actions, as if in them there were ever some evil intended to the city and parliament. When the king removed Belfore from the lieutenancy of the Tower, and placed Sir Thomas Lunsford in that charge, the citizens and their wives could not sleep quietly in their beds, for feare of having their houses beaten down about their eares. To satisfy their clamours, though nothing was objected against him, the king re-assumes the trust, and presently deposites it with Sir John Byron. The faction were as ill satisfied in him; yet it was not easy what to object against him; nay, it was a query that did not a little trouble them, in what to quarrell him. At last Lieutenant Hooker, the aquavite man, and Nicholson, the chandler, complaine, in the common councell, that since Sir John Byron came to be lieutenant of the Tower, the mint (to the great prejudice and dishonour of the kingdome) stood still. Those that knew what trade these men drove, by the poore retaile of broomes, candles, and mustard, their chief merchandise, to improve brasse farthings into groats and sixpences, accounted the objection as inconsiderable as the authors that alleadged it: yet, as meane and false as it was, it served some men's turnes, to slander the king to his people, and raise a clamour. The king, out of the abundant goodnesse of his nature, hoping to winne them by some condescendments, (which now the world sees is impossible, puritans being of another manner of temper than to be overcome with kindnesse,) removes Sir John Byron, and confers this great trust on Sir John Coniers, a man of whom the faction, it seems, conceived better hopes; and, indeed, hitherto, if you consider his exaction upon the king's friends in his custody, or retaining the name of lieutenant, but resigning the power, contrary to his expresse oath, and that on his own petition to the train-bands of the city, he hath not given them any occasion to repent them of their acquiescence in him.

It were endlesse, brother Rusticus, to relate all the meanes used to heighten the fears of this miserable city, and, by consequence, of the kingdome, especially after the faction in parliament had shewen them the way, by publishing that great buggbeare, to affright the people,—the Remonstrance of the State of the Kingdome.

At last, to make experiment what good effect all these arts had produced, the maine engineers resolve, on Twelfe-night, to see what party they had in the city, and what assistance they might expect, (if occasion served,) by giving a false alarme. To this purpose, in the night, a rumour is divulged, and suddenly dispersed through the city, that 1641.

ed gentleman on horseback, in a gray coat,) which, having in it a contagious plaister, taken from a plague sore, the letter itself, also, being full of invectives against Mr Pym, gave occasion for publishing a pamphlet, entituled, 'The Discovery of a Damnable Treason, by a contagious Plaister,' &c., and afterwards of a report to the house,[1] made by Mr Pym, that there were divers posts come several by-ways from Scotland, and that the papists had many meetings in Hantshire.

"Moreover, within few days following, one John Davis discovered[2] to the house that the earl of Worcester had large stables under ground, at Ragland Castle, and a number of light-horse in them, likewise arms for an hundred and forty horse, and two thousand men, whereof seven hundred were then in pay, and ammunition proportionable. And one Thomas Beale, of White Cross Street, declaring[3] that he heard some, who were walking late in Moorfields, discourse of their intentions to murther certain members of the parliament, and, amongst others, Mr Pym, order was presently given that the lords, and some other members, should have part of the trained band of Middlesex to conduct them to their lodgings that night.

"Also, the next day, upon the discovery of another plot to kill some noblemen, (of which one, who lay in a ditch, pretended to hear two gentlemen speak,) it was ordered[4] that the earl of Worcester's house and Sir Basil Brooke's house should be guarded; all papists disarmed; soldiers raised with speed, to secure the isle of Wight; and two lords appointed to raise forces, one beyond Trent, and the other on this side Trent. And, within five days after this, there was a discovery of[5] another conspiracy by the papists, in Cheshire, viz. that certain of them were in arms, at the lord Chomley's house, and had attempted the surprisal of Chester."—*Short View of the Late Troubles in England*, Oxford, 1681, fol. p. 76, 77.

[1] 30th Oct. [2] 12th Nov. [3] 14th Nov. [4] 15th Nov. [5] 20th Nov.

the king and cavaleers, with fifteene hundred horse, were coming to surprise the city. You would wonder to consider how this report prevailed, insomuch, that in an instant London was in armes, no lesse than 50,000 or 60,000 men, ready provided to encounter they knew not what. The women (who, as Mr Peters did instruct them in the pulpit, have hugg'd their husbands into this rebellion) provide hot water, (besides what they sprinkled for feare,) to throw on the cavaleers: joynt stooles, foormes, and empty tubbes, are throwne into the streets, to intercept the horse. Had you been at the lord mayor's that night, as I was, you might, upon the aldermens coming to him, to consult against the common danger, easily perceive which of the aldermen were privy to this designe, and who were not thought fit to be trusted with so great a mysterie. Some of them (and, when time serves, I can tell you their names) came so neat, as if they had spent the whole day to be trimme at midnight,—their beards put into a feasting posture, not a haire awry; a cleare demonstration that they had not consulted their pillows that night; their ruffes set as compleatly as if they had beene to dine with the masters of their companies, or were prepared to beare a part in my lord mayor's shew: but the rest, that slept in the simplicity of their hearts, and went to bed, so farre from misconceiving their gracious soveraigne to have any evil intention against the city, that they thought themselves safe under his protection; these came in a farre different garbe: one came in his night-cap, and forgot his hat; another had his hat, but did not remember to take his ruffe; one trots along in his slippers; another, for haste, not staying to garter his stockings, had lost them, had not his shooes been on; so that it was easy to distinguish who were confiding aldermen, as they call them, and who malignants.

And as, by degrees, they wrought the people to this height of jealousie, so, by degrees too, proportionable to their jealousies, did they disarme the king, and arme themselves. At first they did only wrest the sword out of the king's hand, but as their party grew stronger, they turned the point upon him. When their feares were but young, the faction of the city desired no more but a strong guard of the train-bands, and this they called the safety of the city; when their feares grew stronger, then, in a common councell, they move for the posture of defence; which was the egge of which afterwards was hatched that cockatrice of the militia.

But because it was impossible to disarme the king, as long as the lord mayor stood firme in his loyalty, and invested in his power, their maine worke therefore was, first, to pack a common-councell, of men of their own faction, and then, by advancing the power of their common-councell (by the assistance of the house of commons) above the lord mayors, to draw the voting of all queryes, and the resolution of all doubts, or matters under debate, under the decision of a major part; and if any obstacle lay in their way to these ends, which was not in their power to remove, presently, at a dead lift, Penington, or Ven, or Vassels, bring an order from the house of commons, which never failed to determine all things for their own creatures. And because the practices of these men deserve not to be buried in silence, I shall give you a short account how the power of the militia of the city came to be taken out of the lord mayor and court of aldermen's hands, and seated in a major part of the commons; in which you shall see how a faction in the city conspired with a faction in the parliament, and this faction in the parliament with that in the city, untill, between both, the king was inforced, for fear of their tumults and insolencies, to withdraw himself into the country.

The time of election of common-councell men coming on at St Thomas's day, 1641, when these feares and jealousies had distracted the city, it was no difficult matter for this active faction to instill into their fellow-citizens how much it concerned them to make choyce of godly men, (so they miscall themselves,) and such as would oppose the popish party, under which notion they comprehend all such as stand well affected to the government established, whether ecclesiasticall or civill. They accuse

the old common-councell-men as men not zelous for religion, ready to comply with the court for loanes of monies; and, which was worse, many had not only set their hands to, but were active in promoting the intended petition for episcopacy and the booke of common prayer. These objections (which, duly considered, had been so many convincing arguments for them) so prevailed with these silly men, (who thought all to be in danger, unlesse the government were put into new hands,) that, in most wards, the old common-councel-men were turned out, and new chosen in, wholly devoted to the puritan faction, especially in those wards where their aldermen inclined that way: amongst these the most remarkable were, Atkins, Wollastone, George Garrat, the draper, Wardner, and Towse. Now, out goe all the grave, discreet, well-affected citizens, as Sir George Benyon, Mr Drake, Mr Roger Clarke, Mr Roger Gardner, Deputy Withers, Mr Cartwright, and others, and in their stead are chosen Fowke, the traytor, Ryley, the squeeking bodyes-maker, Perkins, the taylor, Norminton, the cutler, young beardlesse Coulson, the dyer, Gill, the wine-cooper, and Jupe, the latenman, in Crooked Lane, beadle of the ward, in the place of Deputy Withers. So that a man would swear they meant to fulfill what a wise lord-keeper[1] once spake to a recorder of London, dyning with him, upon occasion of a wood-cock pye brought to the table, with the heads looking out of the lid,—Mr Recorder, you are welcome to a common-councell.

These new men, though chosen on St Thomas's day, are never returned, by the constant custom of the city, before the Munday after Twelfe-day, nor have power to sit in the common-councell, or concurre in doing any act, before the indentures of their election be returned from the wardmote inquest to the town-clark, and a warrant issued forth from the lord mayor to the serjeant of the chamber to summon them. Yet, in the yeare 1641, the small space of time betweene St Thomas's day and the day of this returne was a very active time, and that which laid the groundwork of that revolt of this city, from their loyalty to rebellion, which presently followed. Therefore, impatient to stay the time of their ordinary calling, and knowing the necessity of their presence, for the advancement of the work in hand, when the king gave order to the lord mayor for calling that common-councell held December 31, 1641, when the lord Newburge was sent from the king to give the city notice of the late tumults at Westminster and Whitehall, and to recommend unto them the care of preventing the like disorders for the time to come,——to this common councell comes Fowks, and with him all the tribe of this new-choice, and mingle with the old; which, being an intrusion without president, was earnestly opposed by them that loved the ancient order and honour of the city, and foresaw the inundation breaking in upon them; yet, out of respect to the king's message, and that lord that brought it, the controversie, for the present, was hushed up, and, generally, they applied themselves to give dispatch to the answer which they were to returne to the king; which was accordingly done, and the answer presently after published in print.

So, on the 5th of January, being the day after the king went to the house of commons to demand the five members, a common-councell being called by the king's direction to the lord mayor, to which himselfe in person came, to impart unto them the reasons that induced him to goe to the house the day before, and to admonish them not to harbour or protect these men in the city,—thither came Fowke, and his new-elected, but not admitted brethren. Fowke having prepared a saucy, insolent speech, to make unto the king, concerning feares and jealousies touching the members accused, the privileges of parliament, and that they might not be tried but in a parliamentary way,—the king heard him with admired patience; and whereas so disloyall expressions justly deserved his royall indignation, to have sent him to Newgate or Bridewell, (specially, interposing in that representative body of which, as yet, he was no member,) the king only returned this short, gracious answer, bidding him and the rest to assure themselves that they should have a just tryall, according to the lawes

[1] Lord Ellesmere, keeper of the great seal in the reign of James I.

of the land; adding, that they were dangerous men, and that neither he nor they could be in safety as long as these men were permitted to go on in their way.

It was observed by some very wise men there present, that the king, at his coming to the common-councell, was received with joy and acclamations, not much inferiour to those at his entrance into the city on his returne from Scotland. But after the reason of his coming was knowne, and the puritan party had instill'd into the people's heads, that the great patriots of the kingdome were in danger to be called to a legall triall for treason, at his returne, there was a new face on the multitude, and instead of God save the king, there was nothing ecchoed in his eares but Priviledges of parliament! Priviledges of parliament! Great is Diana of the Ephesians, was never roared louder. The king dined that day at Sheriffe Garrets, and the faction of the sectaries, brownists, and anabaptists having time to assemble, after dinner, the house was beset, and the streets leading unto it thronged with people, thousands of them flocking from all parts of the city; and the clamour still was, Privileges of parliament! which cry, first taken up that day, and that with so good successe, never failed to be objected to the king, and inculcated to the people, even unto this day, in all their appeales unto them.

This tumult swell'd to that height, that the king, in his returne, was in great danger; the people, in a most undutifull manner, pressing upon, looking into, and laying hold on his coach: nay, in defiance of his sacred person and authority, that seditious pamphlet of Walker's, To your tents, O Israel, was throwne either into, or very near his coach: insomuch, that those few friends which the king had in the city were heartily glad when they heard that the king was safely arrived at White-hall; for, I assure you, his fast friends here in the city, as the never-enough-honoured Sir Richard Gurney, and Sir Thomas Gardner, the recorder, were in great danger, being pursued with outcryes, as, remember the protestation; others calling them halfe protesters: nay, the lord mayor had his chaine torne from his neck by a zealous sister.

This very day, the two houses (the leaders in both) thinking themselves unsafe at Westminster, affrighted with their own guilt, resolve to take sanctuary in London, knowing, that whatever they had done, or ever should doe, though never so derogatory to the king, never so contrary to law, yet the puritan faction in the city would afford them not only protection, but power and assistance. Both houses, therefore, adjourn untill the Tuesday following, and cast themselves into a committee, to meet at Guild-hall, or Grocers-hall.

To the committee at Grocers-Hall come the five members, in great triumph, guarded and attended by the train-bands, and a strong guard set to secure the place of their sitting. Now, if ever, was the fatall conspiration of time and place for coyning new unheard-of priviledges of parliament, not only to the securing the persons of traitors, but justifying treason itselfe; for here was (before this day) the unheard-of priviledge of parliament declared, that no member of parliament ought to be arrested by any warrant whatsoever, without consent of that house whereof he is a member: And by the same ordinance it was declared, that they that shall arrest those members are enemies to the state; with free liberty granted for all persons to harbour or converse with them. In all which it is evident that the power and strength of London were made the first obstruction of the free course of justice, and the city made the asylum and sanctuary of those whom the king had justly declared traytors.

And now, having undoubted experience of the affection of the city, all eyes being turned from White-hall to Grocers-Hall, where the darlings of the people were pompously feasted, and fawningly courted,—on Saturday, the 8th of January, 1641, the committee consult how the accused members might come to Westminster. The Tuesday following, and without any long debate, it was resolved upon the question, that the sheriffes of London should, and might raise a guard of the traine-bands, for the

defence of the king and parliament, and that they might warrantablely march out of their liberties. And that you may see that the scene was right layd, there were some ready at that instant to make a tender of the assistance of the seamen and mariners, whose power should guard them by water, as the train-bands by land. Next day, being Sunday, every pulpit that was at their devotion sounded nothing but the praise of Kimbolton and the five members; inciting the people to stand up in the defence of these worthies; else, if they permitted the king to take away these to-day, he might goe on to seize on as many more to-morrow, untill he had left the parliament naked of all good patriots and zealous assertors of religion, the lawes and liberties of the kingdom.

On Monday, the tenth of January, 1641, the king, hearing of these great preparations, an army by land, and a navy by sea, which was to cast anchor against Whitehall, suddenly (and certainly guided by an immediate providence, which, in a peculiar manner, watched over kings) resolved, with his ever-glorious queene, the prince, and the duke of York, to withdraw to Hampton-Court; which accordingly he did; not leaving (though well he might) his curse behind him upon London, as Henry the Third of France did on Paris, fowly provoked in the like manner; who, flying from the city and the holy league, the parallel of this treason here, at Chaliot, turning towards it, said,[1] "I give thee my curse, disloyall and ungratefull city; a city which I have alwayes honoured with my continuall aboad; a city which I have inriched more than any of my predecessors: I shall never enter within the compasse of thy walls, but by the ruine of a great and memorable breach."

The king now no better than fled from London, and the apparent dangers there; the whole strength of the city remained at the disposall of a faction of puritans in the parliament, and a faction of puritans in the city. That very Monday on which the king, for his safety from these tumults, withdrew himselfe, (and 'tis a wonder that any man should be so frontiesse to deny that for that reason, and that reason only, he withdrew himselfe,) was the return made of the indentures of the election of the common-councell-men; and if any election was questioned, as some were, and that most justly, 'twas truely observed, that the decision never failed to goe on their side who were last elected, whether it were right or wrong; for, whereas, formerly, all controversies of this nature were submitted to the determination of the lord mayor and court of aldermen only, now, by the impetuousnesse and clamour of Fowke, and his adherents, it must be referred to a committee of the common-councell; the same committee which was for the safety, the first step which the puritans made towards the militia.

Having thus put the king to flight, and, by most indirect, unwarrantable practices, turned most of the discreet able men of the city out of the common-councell, they beginne to put the city into a true posture of rebellion, which they called the posture of defence, and was the second step to the militia; and for the committee of this posture of defence they nominate six aldermen and twelve commoners, most of them being of this last election. And to have a leader for the intended rebellion, upon Ven's recommendation, Skippon,[2] for his councell and advice, is added, as an appendix, to the committee. And though a great debt lay on the chamber of London, which was often complained of, but never paid, yet Serjeant-major-general Skippon (so many are the syllables of his new honours) is ordered, by act of common-councell, to have £300 a-yeare out of the treasury for orphans, during his life, if he should so long continue in the city service.

A strong party being thus made, they beginne to make all manner of warlike preparations, and provide ammunition of all sorts: they increased the number of the train-bands from sixe to eight thousand, and appoint over them sixe aldermen to be colonells; each

[1] The French Hist. p. 805. [2] A blunt soldier, trained in the Low Countries to military and Calvinistic discipline, whom the city placed at the head of their trained bands.

colonell to have his captains, officers, colours, and regiment, to be assigned him by the committee for the posture of defence: and yet, as if all this had been to no purpose, unlesse they can make the lord mayor (a shrewd rubbe in the way) a meere cypher, and reduce their governour to so mean a condition as to be only their instrument, they intrench upon his power, and invade it many wayes.

First, therefore, whereas the power of summoning common-councells resided only in the lord mayor, who, with the advice of some aldermen, was to judge of the reasons inducing him to assemble this representative body,—now, by orders from the house of commons, at the instance of Pennington, Ven, and Vassells, the lord mayor is not left to his own judgement, when to call or not to call a common-councell, but must doe it as oft as the men of this faction shall command him: which usurp'd power both Ven and Fowkes have used, with that insolency, that when they have required Sir Richard Gurney to call a common-councell, and he hath demanded a reason, they have vouchsafed him no other answer than this saucy one,—that when he came thither he should know.

Secondly, as the power of calling common-councels was trusted by their charter and long prescription with the lord mayor, so the power of dissolving them was put into the same hands: he might rise in the midst of a debate, and dismisse the assembly, and yet was not bound to give them an account why he did so: but now, partly by violence, and partly by pretended orders from the commons, he is fastned to his seat; there he must sit, untill Ven, and Fowkes, and the rest, have no farther use of him.

Thirdly, heretofore, when a common-councell was called, nothing could be put to the question, or proposed as the subject of their deliberation, but what the lord mayor, by the recorder, did offer unto them; but now, when they could not prevaile with the mayor to command the recorder, nor with the recorder, without the lord mayor's consent, to propose what the faction pleased, by the omnipotency of an order from the house of commons, they make the dumb to speak what Ven and the rest will have them, or else the lord mayor and the recorder must answer it at a committee.

Lastly, whereas the lord mayor and aldermen sit apart from the commons, and are covered, when the others are bare-headed, and have a negative voice, the itch of incorporating two in one hath been as great in the city as ever it was at Westminster, and with better success; for the faction here (upon the point) have cast all into a common huddle, blending the court of aldermen with the commons. Upper and lower sound as harshly here as westward: and though, in outward appearance, they remain two distinct members of one body, yet, in power, they have made both levell, involving the votes of the mayor and aldermen in the major part of the commons

The puritan faction, by the assistance of the house of commons, having thus gotten the power to call common-councells, power to continue them, power to put to the question what they please, and power to determine all by a major part, my lord mayor having no more sway than Perkins the taylor, Rily the bodyes-maker, or Nicholson the chandler, they may dispose of the wealth and power of the city as they please. Now the two factions openly communicate counsills, walk hand in hand; that 'twas a question, which was the parliament, that at Westminster, or this at Guild-Hall.

Towards the end of January, 1641, the commons house petition'd the king touching the Tower, the forts, and the militia; and as two strings set to the same tune, though on two severall violls, at a convenient distance, if you touch one, the other by consent renders the same sound, so the house of commons and the common-councell of this city were now grown to such a sympathy, that the motions and endeavours of one were the work of both; that you would sweare Fowkes was as much a parliament man here as Ven at Westminster; for, before February was tenne dayes old, there was a common-councell held, in which many things were debated: the court was continued long, untill one of the clock. At last, tired out with long sitting, and willing to rise, Ven, taking advantage of the present indisposition of the court to sit longer, ready to admit pro-

posalls, without any strict scanning, (especially since whatsoever passed that common-councell was to undergo a second consideration at the next, as their constant custome is,) produceth an order from the house of commons, by which they were desired to returne such men's names with whom the city thought fit to intrust the militia of London.

The court, surprised with so unexpected a message, for the present not piercing into the reason of it, nor understanding that the houses were in so great forwardnesse to settle the militia, as afterwards they found they were, nor imagining that the men whose names they returned should have absolute power to execute any thing of themselves, but only as a committee, to consult, and prepare, and report to the common-councell, as the limited power of all committees is, and considering that the posture of defence and the new militia, though two names, were, in effect, but one and the same thing, ordered that the names of the committee for the posture of defence should be sent to the house, in returne to their order. The intention of the house (as some thinke) in this message (though, for my part, if I were put to my oath, I dare not sweare it) was to indeare the city, and to lay an obligation upon them, by giving them power to nominate their owne men: But Ven (instructed by some that had more wit, but as little honesty as himselfe) his purpose in the carriage of this businesse was, to make the lord mayor, the sheriffes, and court of aldermen, by their owne voluntary, but inconsiderate act, to renounce (as it were) their owne interest, and so to place this great power of the militia on the committee for the posture of defence, whereof the major part, if not all, were of his owne faction.

Many dayes had not passed, before it was generally knowne, to the great regret of all loyall discreet men, that the militia of London was put in the hands of the committee for the posture of defence. Not long after, a common-councell was called, at which, when the orders made the last meeting (as the custome is) were read,—at this, many men seeing the snare into which unwittingly they had cast themselves, beganne to retract, and speake against that order whereby the committee for the posture of defence were invested with the power of the militia: nay, some of the aldermen, whose names were returned for the new militia, utterly protested against it; affirming, that when they passed that order they had not the least intention to exclude the lord mayor from having power over the militia, nor had any thought to place so absolute power in their committee, as (they found) the two houses had done: and hereupon, by some that stood well affected to the honour and peace of the city, it was earnestly moved, that the houses might be petitioned to reverse their order; but all in vaine: the faction in the common-councell being instructed by their leaders at what advantage they had the city, were resolved not to lose it, by giving way to such a motion; but, on the contrary, to make all sure, Ven produceth another order from the house of commons, that Skippon, whom the committee for the posture of defence had associated to them, for his advice and assistance, should, by their assent, be added to the same committee for the militia: which was no sooner moved than assented unto: the major part of the common-councell (who now rule the rost) will have it so.

The court of aldermen finding (but too, too late) that this settlement of the militia would be no small derogation to the mayrolty in particular, and the government of the city in generall, and being out of all hope to find the commons ready to joyne with them in such a petition, resolve (without them) to petition that this order, of so dangerous consequence, might be recall'd, and the mayor and sheriffes be nominated of the committee. To this end, petitions are framed and delivered, but to no purpose: the lord mayor's loyalty was too well known, to be admitted to have any share in that power which was intended to be imployed against the king.

Notwithstanding this repulse, divers citizens, very considerable for their numbers, but more considerable for their quality and abilities, out of a sence of that great contempt and prejudice which this would bring upon that ancient government under

which their city had so long flourished, joyne in a petition, in their owne names, to the two houses, to the same effect, but with worse successe; for the house of commons having information what was in agitation in the city, send Wat. Long to seize on the petition and the subscriptions; by which meanes, the names of the subscribers being knowne, there wanted not arts to make them retract their owne voluntary act: some by perswasions and private solicitations, others intimidated by threats and menaces, are compell'd to recant: and because it was a note of levity, if not worse, so suddenly to protest against their own voluntary act, therefore, the decoy to bring on the rest to so base, so unworthy a revolt, was Lenthall the speaker's brother; which example, (he having broke the ice) was followed by many, that loved an ignoble quietnesse before freedome with trouble.

This last petition was that which they call Benyon's petition; and indeed Sir George Benyon was (and he needs not be ashamed of it) a framer and a chiefe promoter of that most reasonable, most equitable petition, which, notwithstanding, was made that great crime that afterwards drew on his impeachment and heavy censure in parliament: In which sentence the world may see what grosse injustice and partiality was used by them, that would be angry not to be thought the most upright, unblemished justiciaries in the world. The Christmas before, (which wee now must call Nativity-tide,) the lord mayor and the recorder were convened before a committee, for obstructing the apprentices petition against episcopacy; and learned Peard, (who hath no more law than what was made this parliament,) sitting in the chayre, told them, that it was against the freedome and liberty of the subject, not to permit them (without any let or interruption) to present their grievances in paper to the parliament: nay, for feare they should want worke, there was an order published in print, by the house of commons, to that very purpose: yet Sir George, for making use of the same liberty which themselves had proclaimed, is sentenced thus: First, fined in three thousand pounds; secondly, disfranchized, utterly deprived of the privileges of the city; thirdly, never to beare any office in the kingdome; fourthly, to be committed prisoner to Colchester goale for two years; and, lastly, at the expiration of that tearm, to give security for the good behaviour, such as the parliament (if they then sate) should then thinke fitting; and in case the parliament were dissolved, such as the lord-keeper for the time being should approve of. How will this sentence for ever justifie the severest that were ever given, either in the star-chamber or high commission? That did doome a man to ruine, for no other fault than what themselves had authorised, and judged it against the liberty of the subject to oppose it, even by their owne order.

The committee for the posture of defence being, by these dishonest practices, made lords of the militia, and being armed with as much power as will to serve the most desperate treasonable designes which either Say or Pym should suggest, they now goe on without checke or controule, and beate downe all before them that stand in their way. On trivial pretences, or for necessary obedience to the king's just commands, they remove honest Sir Richard Gurney (whose name, in after chronicles, will outshine famous Walworth's, and upbraid this rebellious city to all posterity) from the governement of the city, and in his place substitute Little Isaac;[1] rejecting the olive, and advancing that bramble, out of which, I feare, will come that fire which will consume this seditious city. Now, the people are authorized by ordinance of both houses, and encouraged and pressed, even in point of conscience, by their boutefeau lecturers, to list horses in Moorefields, send in money and plate to Guild hall, for the service of the king and parliament: and because they would be sure to have an orator in every pulpit to quicken the people to poure out their wealth liberally, to further the rebellion intend-

[1] Isaac Pennington, distinguished for his attachment to the parliament, as Sir Richard Gurney was by his loyalty.

ed, they cause the very dregs and scum of every parish to petition against the orthodox clergy, who, being imprisoned or fled, they sequester their livings, for the use of their owne Levites; so that, at this day, there is not a true orthodox minister left, freely speaking his conscience, and exercising his ministry, in the whole city; so that, whatsoever they pretend, that they take up armes for the defence of the protestant religion, if they meane the protestant religion, as it is by act of parliament established in the church of England, I assure you, brother, were you here, you could no more see a face of the church of England, than you can at Amsterdam.

They have not onely banished all decency and order, together with the established liturgy out of our churches, but, instead of the gospel, our new preachers entertaine their auditories with newes, which, upon examination, prove but fictions and lyes, to blind the people, or else with bitter invectives against the king and his government: and as for faith, charity, and repentance, they are laid aside, as impertinent arguments: all their exhortations now are to treason and rebellion; so that, as in the holy league of France, as my author speakes, our pulpits are made the chaires of juglers; nay, the very sacraments escape not their blasphemy and prophanation to these vile purposes. I doubt not but you have heard of Mr Case his invitation of the congregation to the Lord's table, who, instead of you that do truly and earnestly repent you of your sinnes, and be in love and charity with your neighbours, and intend to lead a new life, &c., bespake them thus: You that have freely and liberally contributed to the parliament, for the defence of God's cause and the gospels, draw neere. To the rest he threatned damnation, as comming unworthily to the holy sacrament. It were endlesse to write unto you (it deserves some man's labour in particular) to acquaint you and the kingdome with the blasphemies, prophanations, and absurdities which he and his brethren in evill vent every day in their extemporary prayers and sermons.

Yet, were all this treason set out mixed with wit, or did they preach rebellion advantaged by the alluring helpes of art and eloquence, it might perswade some amongst us not to turne recusants from their assemblies; but they are the dryest and the dullest beasts that ever peep'd over a pulpit. While these remaine in the city, Rotheram the lecturer never needs feare to be heard in his deprecation, that we might never see such a famine here in London as was once in Samaria, where an asse's head was sold for fourscore pieces of silver. Thankes to him and the rest, wee have great plenty here, and while we have so many, there is no feare that they will ever rise to so high a price.

But when people are disposed unto a rebellion, small helpes will serve their turne; a ram's horne is as good as Shebah's trumpet: yet they have one art, (and I may not forget it, because it takes much with the people,) and it is this:—You shall have one and the same argument possesse most of our pulpits on the same day, the same matter is the subject, either of their rayling invectives or rebellious exhortations. The undiscerning multitude not piercing into this imposture, fondly are perswaded that this is no lesse than the inspiration of the Holy Ghost, when, God knowes, this is no more than an intimation given them, from the heads of the faction, to Calamy, and the junto that meet at his house, from whom their emissaries receive directions what concernes the present opportunity, and is necessary to be preached unto the people.

By these and the like arts, 'tis a wonder to see what forces have been raised, what summes have beene advanced and poured out to further this rebellion. It is the opinion of very wise men amongst us here, that have observed the severall helpes which the city of London hath contributed to this present unnaturall warre, that they have supplyed the treasury of the rebells with no lesse than three millions of money, and their army with threescore thousand men, first raising, then recruiting their mangled beaten regiments: at so great expence, both of treasure and blood, hath this proud unthankfull city been, to dethrone the king, and ruine the kingdom.

And that they might not want supplies of men to keepe this rebellion on foot, they have cancelled or dispensed with all the obligations and tyes of religion, nature, and lawes. They have given the sonne power, not only without, but contrary to the parents commands, to list himselfe, and take entertainment in their army: the same liberty they have given to apprentices and servants to take armes, not only without, but contrary to the command of their masters and mistresses. How many poore parents, how many poore tradesmen, nay, how many poore widdowes and their distressed orphans be here in this city, that had no other subsistence but what was hardly earned by their children or apprentices industry and labour, are now all like to starve, or are necessitated to fly to the almes of the parish, (though the poore's stock itselfe be invaded and spent in this warre,) while those that fed them are left in this unnaturall rebellion: nay, how many disconsolate parents have you in the country, that sent their children hither to this city, and gave great summes with them, to bind them apprentices to trades and manufactures, hoping that hereafter they might live like men; nay, perhaps, some of their mothers, out of an overweaning opinion, might fancy to themselves hopes that they might live to see their sonnes lord mayors of London, (and why not?) that now sit mourning, and wringing their hands, and curse the day, not onely in which they sent them hither, but in which they were borne; not because they have lost a legge or an arme, or returned maimed, so that all they can hope for is, to have entertainment in an hospitall, and that no longer, neither, than till the king's maimed souldiers shall come, and tell them that that charity was never provided for men disabled fighting against their king, but because they have lost their lives, and not onely their lives, but their pretious soules too, dying in a grievous sinne, in the very act of rebellion. Methinks you in the country (if there be any bowels of compassion yearning over the fruit of your bodies, if there be any sense of that eternall condition that doth attend them after this life, if there be any hope of the joyes of heaven, or feare of the torments of hell) should be very sensible of this.

And though God hath manifestly fought against them, for the king, giving him victory in many battailes, when all humane helpes and advantages were on the rebells side; though God hath miraculously, and beyond the hope of man, restored unto him the hearts of the people, (which the heads of this rebellion, by slanders, had stolen from him;) though, from small and contemptible beginnings, in the eyes of his enemies, (few or none standing for him but God, and the justice of his cause,) God hath prospered him into many mighty armies, which render him formidable to the proudest and stoutest of the rebells; though every victory hath been seconded by a tender of peace, and with an overture of pacification, so that, as himself speakes, in that declaration published July 30th, 1643, he could not probably fall under the scandalous imputation which hath usually attended his messages of peace,—that they proceed from the weaknesse of his power, not love of his people; lastly, though, like an indulgent father of rebellious children, he hath courted this city, and wooed it by many pardons, many and often repeated acts of grace and favour, to recall us to our former loyalty, (if ever we were loyall;) yet, inconsiderate, unthankfull wretches as we are, we overlooke or sleight all these invitations; for, instead of returning, we have added this, as the complement of our other rebellions, that (whether more unthankfully or undutifully I cannot tell) we have cast dirt in our soveraigne's face, and slandered the footsteps of God's anoynted, as if he were guilty of all those miseries which at this time threaten the subversion of this nation; we will no longer wrong our king secretly, through the sides of his evill counsellors or cavaliers, but charge him directly, and poynt blanke; as in that most seditious declaration, or whatever you will call it, presented by Sir David Watkins, and that broken citizen, out at elbowes, called Satten Shute, to the common councell, and by them to the remainder of the lower house, if it be not breach of priviledge to call it so.

How willing have we obeyed every commandement, except God's and the king's? How forward have we beene to imploy the large revenues of our severall companies and brotherhoods (as heretofore to excesse and gluttony, so now) to support this rebellion? How ready, even beyond our abilities, have we been to submit to every tax and illegall imposition, even to the bondage and slavery of excise, by which we are not so much proprietaries of our owne, as stewards or cashierers to the heads of the rebellion? and all this to no other end but to keepe up the rebellion. Wee have not only protected and supported the king's mortall enemies, but, as much as in us lay, have persecuted all his friends, or, if but suspected to stand well-affected to him and the justice of his cause, not sparing the effusion of innocent blood; as that of Mr Tomkins and Mr Chaloner, which, like the blood of Abel, calls loud to heaven for vengeance on this bloody city, and, questionlesse, will, in time, be heard; for, not content to buy these men's bloods with great summes of monies, which could not be advanced but on this condition, that Mr Tomkins and Mr Chaloner be delivered up to their pleasure, and murthered, for a strange conspiracy, called obedience to the king, but, being dead in an unheard-of barbarousnesse, they presse into the houses where their dead bodies lay before their funeralls, and, thinking they could never be sure enough of so great a guilt, they will not beleeve that they are dead, unlesse they force the houses, to see the bodies of them whom themselves had murthered; insomuch, that, to avoyd further violence and rage of the citizens, they were faine to set open the doores where their bodies lay, and expose them to the view of all, that so they might glut themselves with beholding that sad spectacle which themselves had made.

That the king's gracious offers of peace have been sleighted and rejected with scorne and contempt, and his messengers that brought them (contrary to the lawes of armes and nations) imprisoned; that those miserable distractions which have rent and torne this flourishing kingdome are so farre from being closed, that they are rather made wider; that the sword of warre, so long devouring, is not yet sheathed, except in one anothers bowells; that this kingdome is still made the scene of murthers, rapines, oppression, and plunderings, and whereon all the horrid acts of rage and injustice are every day acted, and the nation put almost out of hope ever to injoy her former peace and plenty, is our fault, and ours wholly. Had not the heads of this rebellion beene animated by this city, and incouraged by promises of more supplies of men and monies, they had, long before this, layd downe their armes, and come, with halters about their necks, and cast themselves at the king's feet, submissively begging those pardons which they have presumptuously rejected. Time was, when the two houses gave a law to the city: now it is come to that passe, that the city prescribes to the reliques of the two houses; they must not conclude of warre or peace without consulting the city; if they doe, they reckon without their hoste.

Nay, though Fairfax be utterly routed in the north, and William,[1] once sirnamed Conqueror, be totally defeated in the west, yet they can neither be perswaded nor beaten into thoughts of peace. On the 20th of July last, no longer agoe, many thousands (as the printed paper tells you) preferred a petition to the house of commons, presented by Mr Norbury, of the cursitor's office, and John Hat, an attorney of Guild-hall, both pernicious men; which, as it evidently shewes their obstinate aversion from peace, so it is the most desperate divellish slander that ever yet durst looke the world in the face; for, first, they tell the house of commons, and in them the world, that the king, without any touch of conscience, and in defiance of God, hath raised an army of papists, out-lawes, and traitors, for the robbing, burning, murthering, and destroying of his religious, honest, and well-meaning people; and then, knowing not only their interests in, but their power over the house of commons, they doe not so much petition

[1] Waller.

as command them to accept of their assistance for the raysing a new army; and in expresse termes prescribe unto them, and limit them to a committee of their owne nomination, for the seizing and receiving of such summes as the willing shall thinke fit to offer, or they shall think fit to extort from the unwilling, for this service: And that you may judge of the whole bunch by some, they name Pennington, the pretended lord mayor, Strode, one of the five members, Harry Martin, plunder-master-generall, and Dennis Bond, burgesse of Dorchester, and Patriarch White's owne disciple, a man of a double capacity to be a rebell; and finding themselves more alone in these undertakings than they did imagine, like desperate traitors, they call on the whole kingdom, as one man, according to the intent of the late covenant, to joyne with them in this rebellion. And having thus taken a course to raise new forces, on Saturday the 29th of July, at a common-hall, they voted Sir William Waller generall of their new intended army, whom, to indeare the more, they interest him in the government of the city; hoping that, being as mad as his lady, he will hold up the rebellion as long as he can, and then be one of the last to runne away: I meane not from battel, for in that he shewed himselfe as forward as the foremost, but from justice, and the due reward of his disloyalty. By all which it is most evident that this languishing rebellion had before this day gasp'd its last, and given up the ghost, had not this rebellious city, by its wealth and multitudes, fomented it, and given it life.

If, therefore, posterity shall aske who broke downe the bounds to those streames of blood that have stained this earth; if they aske who made liberty captive, truth criminall, rapine just, tyranny and oppression lawfull; who blanched rebellion with the specious pretence of defence of lawes and liberties, warre with the desire of an established peace, sacriledge and prophanation with the shew of zeale and reformation; lastly, if they aske who would have pulled the crown from the king's head, taken the government off the hinges, dissolved monarchy, inslaved the lawes, and ruined their countrey,—say, 'twas the proud, unthankefull, schismaticall, rebellious, bloody city of London; so that what they wanted of devouring this kingdome by cheating and cozening, they meane to finish by the sword.

That, therefore, these dangerous defluxions, and continual, not small distillations, but floods of men, money, ammunition, and armes, descending from the head city and metropolis of the kingdome, may not for ever dissolve the nerves, and luxate the sinewes of this admirably composed government, it will highly concerne this nation to looke about them, to undeceive themselves, and to consult their owne peace and safety, by joyning with their gracious soveraigne in chastizing these rebellious insolences, and reducing this stubborne city either to obedience or ashes.

Yet, that the world may not thinke that this inundation of wickednesse, wherein the divells of rebellion rage in the children of disobedience, hath involved all of us in the same disloyalty, let not (good brother) the name Rusticus neither deterre you (as if it were a solecisme) to tell the murthers, robberies, plunderings, and other outrages committed in the city, nor deprive us (a handfull of faithfull subjects, in comparison of the rebells, the puritans, brownists, and anabaptists) of so great an opportunity to justifie our innocence. Let the country know that we have been at the charges to undoe not onely them, but our selves too. The Collosse which we have built is fallen on the builders; the fire which we have kindled devours the bellowes which first blowed it up. Some of us repent of our fond credulity to be deceived and fooled by the empty name of a parliament; God grant it be not too late. Yet, however, let posterity know this too, that the king hath his martyrs in London; all are not in the country: And to make this good, secretly (as much as the close obstructions of the wayes of conveyance will permit) you shall not faile of intelligence from

Your affectionate brother,

MERCURIUS CIVICUS.

London, Aug. 5, 1643.

A short Treatise of the Lawes of England: With the Jurisdiction of the High Court of Parliament with the Liberties and Freedomes of the Subjects.

Written and collected by Walter Mantell, Esq. *anno Dom.* 1644.

The thing that is ever amongst men, in every country, most had in reputation, and esteemed most worthy, is the publique common-weale of their country; and he that indeavoureth himselfe for the augmentation of the same is ever to be commended; to the increasing whereof every man naturally hath a love and zeale. But wherein the common-weale standeth, and what thing it should be, there is, and hath beene ever, amongst the philosophers and other learned men, great debate and argument; some affirming the common-weale to consist in great abundance of riches, as they that multiply the riches of their country, greatly to preferre their common-weale: *Quod respublica non usque adeo resplendescat pompa divitiarum aut viribus, aut honoris fastigio, sed ex bonis legibus summum perfectionis gradum sola consequatur:* Some others esteeme and judge that the common-weale consisteth not in riches onely, in power onely, nor honour onely, but in them all intermixed. The Romans, the great conquerors of the world, gathered not their riches in abundance, onely for the riches, but because they would thereby achieve to more honour, and with their riches to make themselves more mightie and strong; for proofe whereof, the great mightie people the Romans could never have wonne to themselves the great riches of the country of Persia and Carthage, if they had not thereby impoverished the Persians and Carthaginenses; nor the mighty strong Greekes could never have augmented their power and strength as they did against the Trojans, except the Trojans by them had beene vanquished, and the citie destroyed, and so made more feeble and weake; nor, also, the mightie strong Alexander, famous for his conquests, could never have obtained to so great honour and glory, except he had subdued other great mightie kings, as Darius of Persia, and Porus of India, and so brought them to captivitie, the which they esteemed shame and reproofe. Then, sith a man cannot well exercise himselfe in increasing of his great riches, in augmenting his power, nor inhaunsing of his honour, without causing povertie, feeblenesse, or shame, which of themselves be evill things, it followeth well, that riches, power, nor honour be very perfect good things onely of themselves, because they cannot be obtained without causing of evill to other persons; and then, if that riches, power, honour, be not of themselves onely good things, and the common-weale is that thing that of it selfe is meerely good, it must neede ensue that the common-weale can neither stand onely in riches, power, nor in honour, but in the increasing of good manners. Then it is needfull to search wherein the common-weale should stand; which, under correction, and after mine opinion, resteth neither in increasing of riches, power, nor in honour, but in increasing of good manners, and conditions of men, wherein they may be reduced to know God, to honour God, to love God, and to live in continual love and tranquillity with their neighbours; for the obtaining of which it is to men most expedient to have ordinances and lawes; for likewise as the bridle and spurre directeth and constraineth the horse swiftly and well to performe his journey, so doe good and reasonable ordinances and lawes lead and direct men to use good manners and conditions, and thereby to honour, to dread, and to love God, and vertuously to live amongst their neighbours, in continuall peace and tranquillitie; which thing

to performe is not given to mankind immediately, and onely by nature, as it is given to all other creatures, which be by nature constrained to doe and live after their kindes: for the which it followeth, that man cannot attaine these things but by a meane; which meane is none other but good and reasonable ordinances and lawes to instruct and direct men to the same; which reasonable ordinances and lawes proceed and come principally of God, for the which the providence and will of God is ever assistant and present. St German, fol. 7, saith, that the law is ordained for the preservation of the realme, and for the fulfilling of the lawes of God, to induce the people to depart from evill and to doe good. Plowden, fol. 9 and fol. 55, saith, that the law is appointed to the king for the governance of his people; and as the subjects of the king be borne to inherit lands, so to inherit lawes; so that the lawes are the inheritance of the people. Fineux, 12 H. VII. fol. 28, saith, that at the beginning all the administration of justice was in the crowne; and where the king was, there was the law ministered: Then, after the multiplying of the people, was the court leet and court baron ordained; (that is to say,) the court leet for the punishing of enormities and annoyances; for the weale publike, within the precinct of the said leet. *Vide Lestat. vic. franc. pleg.* Fortescue, fol. 30, saith, as a natural body may not be without a head, so a realme may not be governed without a head; that is, the king: *Et ibidem ulterius dicit, quandocumque ex pluribus constituuntur, unum inter illa erit regens, et alia erunt recta. Britt.* fol. 1, *dicit* that the king is ordained of God, that the peace may be kept, the which may not be without law. *Et Fortescue,* fol. 1, *dicit, omnis potestas a domino Deo est. Et Bracton dicit, quod vita et membra hominum sunt in manu regis, vel ad tuitionem, vel ad pœnam cum deliquerint.* The law is appointed to the king for the governing of his people; and that is by three lawes; (that is to say,) generall law, customes, and statutes. Our law is grounded upon six principles:[1]—First, our law is grounded on common reason; secondly, on the law of God; thirdly, on divers generall customes; fourthly, on divers maximes; fifthly, on particular customes; and, sixthly, on divers statutes. [2] Prerogative is a priviledge or preheminence that a man hath before another: so, likewise, as it is tolerable in some, so it is most to be allowed in a prince or soveraigne governour of a realme; for, besides, the king is the most excellent or most worthy part or member of the body of the common-weale; so as, by his good governance, he is the preserver, nourisher, and defender of all the people, being the rest of the same body, and by his great travels, study, and endeavours, and labours, they injoy not onely their lives, lands, and goods, but all that ever they have, in rest, peace, and quietnesse; for which cause the lawes attribute unto him all honour, dignitie, prerogative, and preheminence; which preheminence doth not onely extend to his owne person,[3] but to all other; his goods and chattells: as, that his person shall be subject to no man's suit, his possessions cannot be taken from him by any violence or wrongfull disseisin, his goods and chattels are not under any tribute, toll, or custome, or otherwise distrainable, with infinite number of prerogatives. *Vide* Glanvill, lord-chiefe-justice, which wrote in *Diebus* Hen. II; Britton, which writ his booke *Tempore* Edw. I. Justinian, the emperour, well and wisely pondering, in the beginning of his booke, sayeth thus: It behoveth the imperiall majesty not onely to be guarded with armes, but also to be armed with lawes, to the end he may be able rightly to execute his government of both times, as well in war as in peace. The exhortation of the chiefe law-maker Moses ought to be more in regard with kings and princes than the words of Justinian; whereas, in the 17th chapter of the booke of Deuteronomy, he doth, by the authority of God, straitly charge the kings of Israel to be readers of the law all the dayes of their life, saying thus: "When the king shall sit upon the princely seat of this kingdome, he shall write him out this

[1] Doct. and Student, fol. 8.
[2] Vide Stanford, chap. 1, tit. *Prerogativa Regis.*
[3] *Seneca de Consolat. ad Polybium.*

law in a booke, taking the copy thereof of the priests and Levites; and he shall have it with him, and he shall read it all the dayes of his life, that he may learne to feare the Lord his God, and to keepe his commandements and ordinances written in this law. [1] *Princeps ergo non debet juris ignarus esse, nec prætextu militiæ legem permittitur ignorare.* For the booke of Deuteronomy was the book of the lawes by which the kings of Israel were to rule and governe their subjects. There Moses commands the children of Israel to read, that they may learne to feare God, and keepe his commandements, written in the law. The effect of the law is to feare God, and keepe his commandements, written in the law; whereunto man cannot attaine, unlesse he first know the will of God, written in the law. Moses, the law-maker, in his charge, mentioneth the effect of his law, that is, the feare of God: next, he allureth us to the keeping of the cause thereof, (that is to say,) of God's commandements. Job, after he had diversly searched for wisedome, saith thus: "Behold the feare of the Lord is perfect wisedome, and to forsake evill is understanding: The feare of the Lord is holy, and endureth for ever." The booke of Deuteronomy is a booke of holy Scripture; the lawes, also, and ordinances therein contained, are the Lord's making, and published by Moses. You shall understand that not onely God's lawes, but also man's lawes are holy. The law is defined by these words:—The law is a holy sanction or decree, commanding things that be honest, and forbidding the contrary. Now the things must needs be holy which by definition is determined to be holy: right, also, by description, is called the art of that which is good and streight. So then, in this respect, a man may well call us *sacerdotes*, (that is to say,) givers or teachers of holy things; for so, by interpretation, doth *sacerdos* signifie. For as much then as the lawes are holy, it followeth then that the ministers and setters forth of them may right well be called *sacerdotes*, that is, givers and teachers of holy things. All good lawes published by men have their authoritie from God; for, as the apostle saith, all power is from the Lord God; wherefore the lawes made by man, which thereunto he received power from the Lord, are ordained of God; as appeareth by this saying of the Author of all causes:—Whatsoever the second cause doth, the same doth the first cause, by a higher and more excellent meane. Wherefore Jehosaphat, the king of Judah, saith thus to his judges: The judgements which ye execute are the judgements of God. Whereby you are taught, to learne lawes, though they be man's lawes, is to learne holy lawes and ordinances of God; wherefore Moses commanded the children of Israel, 2 Chron. xix., to read the lawes of Deuteronomy.

A King whose Government is politique cannot change the Lawes of his Realme.

For the king of England cannot alter or change the lawes of the realme at his pleasure. For why? He governeth his people by power, not onely regall, but politique. If the king's power in England were royall onely, then he might change the lawes of the realme, and charge his subjects with tallages and burdens without their consents; but where the king's government over his people is politique, he can neither change the lawes of his realme without consent of his subjects, nor yet charge them with strong impositions against their wills. Saint Thomas, in his booke which he wrote to the king of Cyprus, of the government of princes, wisheth the state of a realme to be such, that it may not be in the king's power to oppresse his people with tyrannie, which thing is performed onely while the power royall is restrained by power politique.

How Kingdomes ruled by Royall Government first began.

Men, in times past, excelling in power, greedy of dignitie and glory, did many

[1] So Helinandus expoundeth.

times, by plaine force, subdue their neighbours, the nations adjoyning, and compelled them to doe them service, and to obey their commandements; which commandements they agreed afterwards to be unto these people very lawes: and by long sufferance of the same, the people so subdued, being by their subduers defended from the injuries of others, agreed and consented to live under the dominion of their subduers. Nimrod was the first that got unto himselfe a kingdome; and thus certaine kingdomes first began. Saint Augustine, in the 13th chapter of his booke *de Civitate Dei*, that a people is a multitude of men associated by consent of law, and communion of wealth; yet such a people being without a head, is not worthy to be called a body. So, likewise, in things politique, a commonaltie without a head is no wise corporate: Wherefore Aristotle, in the first booke of his Civill Philosophie, saith, that whensoever one is made of many, amongst the same one shall be the ruler, and the other shall be ruled; wherefore, a people that will raise themselves into a kingdome, or into any other body politique, must ever appoint one to be the chiefe ruler. The institution of a kingdome politique is where a king is made and ordained for the defence of the law of the subjects, and of their bodies and goods, whereunto he receiveth power of his people, so that by that law politique he governes his people, not by any other power. Then, how cometh it to passe, that in the power of kings there groweth so great diversitie? Surely the diversity of the institution, or first order of these dignities, was the onely cause of these differences; as thus:—The kingdome of England, derived out of Brute's retinue, the Trojans which he brought out of the coasts of Italy and Greece, first grew to a politique and regall dominion: So Scotland, which sometimes was subject to England, as a dukedome thereof, was advanced to a politique and royall kingdome. Many other kingdomes have had their first beginning not onely regall, but also of politique government. Diodorus Siculus, in the second booke of his Old Histories, thus writeth of the Egyptians: The Egyptian kings lived first not after the licentious manner of other rulers, whose will and pleasure was instead of lawes, but they kept themselves, as private persons, in subjection of the lawes. Thus did they willingly, being perswaded that by obeying the lawes they should be blessed. Diodorus, in his fourth booke, writeth thus:—The Ethiopian king, as soone as he is created, he ordereth his life according to his lawes, doth all things according to the manner and customes of his country, assigning neither reward or punishment to any man, otherwise than the law made by his predecessors, the king of Saba, Arabia Happie, and of certaine other kings, which, in old time, honourably raigned.

You shall understand that all humane lawes are either the law of nature, or customes, or statutes, which are called constitutions: but customes, when they were first put in writing, and, by sufficient authoritie of the prince, published, and commanded to be kept, were changed into the nature of constitutions and statutes, did after that, more penally than before, bind the subjects. The lawes of England, which the due force of the law of nature doe ratifie and establish, are neither better or worse than the lawes of all other nations in like cases; for, as Aristotle (Morall Philosophy, l. 5,) saith, the law of nature is that which amongst all people hath the like strength and power; for the statutes in England, by parliament, they proceed not from the prince's pleasure, as doe the lawes of other kingdomes, that are ruled by regall government, where sometimes the statutes doe so procure the singular commoditie of the maker, that they redownd to the hindrance and damage of the subjects. But statutes cannot thus passe in England; for so much as they are made not onely by the prince's pleasure, but also by the assent of the whole realme; and, therefore, they must, of necessity, procure the wealth of the people, and in no wise tend to their hindrance; and it cannot be thought otherwise but that they are made, not by the advice of one man alone, or a hundred wise counsellors onely, but of more than of three hundred chosen men, members of the house of commons in parliament, intrusted by the whole kingdome, for the profit and good of the king and people. By the civill law, where a matter in controversie commeth before a judge by way of contestation of suite, it must be tried by the depo-

With what gravitie the statutes are made in England.

sitions of two witnesses; but by the law of England, the truth of the matter cannot appeare evident to the judge but by the oath of twelve men, neighbours to the place where such deed is supposed to be done; which the lawyers in England calleth the issue of the plea, the truth of the plea, *(sic differentia.)*

Diversitie betweene the civill law and the lawes of England.

Nota.—All humane lawes are either of the lawes of nature or customes, or else statutes. The customes of England are of a most ancient antiquity, practised and received of five severall nations: First, from the Brittons; secondly, after them the Romanes; thirdly, after them the Saxons; fourthly, after them the Danes; and, fifthly, the Normans, whose descent continueth in the government to this day. And in all the times of these severall nations, and of their kings, this realm was ruled by the self-same customes that it is now governed by.

When a statute was first established in England.

The king of England ruleth his people, not onely by regall, but also by politique government; in so much, that, at his coronation, he is bound, by an oath, to the observance and keeping of his lawes; not freely to govern their subjects as other kings doe, whose rule is regall, governing their people by the civill law: so, by that maxime of regall power, they, at their pleasure, burden their subjects, change the lawes at their pleasure, execute punishment, charge their subjects with charges and taxes when they list, determine controversies of all suitors when they please; and so to cast off the yoke of the law politique, and so to raigne and tyrannize over their people in regall manner only. And that to rule the people by government politique is no yoke to the people, but liberty and great security, both to the king and subjects.

The parliament is the high and most honourable court, and absolute court of justice of England,[1] consisting of lords in parliament and commons. The lords are divided into one sort, temporall: the commons are divided into three parts, *(viz.)* into knights of shires or counties, citizens out of cities, and burgesses out of burroughs; the antiquity of the high court of parliament. The king of England is armed with divers councels: one is called *commune concilium*, and that is the court of parliament, and it is legislative, called in writs[2] *concilium regni Angliæ:* another is called *magnum concilium regis Angliæ:* this sometimes is applyed to the house of peeres, who are called the lords of parliament; and they are called *magnum concilium regis.*

The Jurisdiction of the High Court of Parliament.

The court of parliament is so transcendent, that it maketh lawes and inlargeth lawes, diminisheth, abrogateth, and repealeth and reviveth lawes, statutes, and ordinances, concerning matters ecclesiasticall, capitall, criminall, common, civill, maritime, and the rest: None can begin, continue, or dissolve the parliament, but by the king's authority:[3] It is of that high honour and justice, that none ought to imagine any thing dishonourable that proceedeth from that high court of justice.

The king[4] hath, in his court of parliament, his prelates, earles, and barons, and other learned men, to determine of doubts, and judges to give remedie.

In the case of a general pardon by act of parliament, the justices ought to take notice, and to allow the pardon, although the felon plead not guilty; for that is a generall act.

Nota, per Fitzherbert and Shelley.—Justices in debt against a priest, upon the statute of Firmes, 21 Hen. VIII. cap. 13, the defendant may plead, *quod non habet, nec tenet, ad firmam contra formam statuti*, and give in evidence, that he tooke that firme for the maintenance of his household, by vertue of the said proviso in the said statute.[5]

[1] Coke, lib. 10. fol. 123 et 124. sect. 97. [2] Bract. lib. 1. cap. 2. Registr. 280. 27 August. 5 H. IV.
[3] Mirr. cap. 2. sect. 4, 7, 10, 14. cap. 4. de default. et cap. de Homicid. cap 1. sect. 13. cap. 4.
[4] Vide Plow. Com. 398. B. Doctor et Student, cap. 55. Fortescue de laudibus legum Angliæ, lib. 1. Bract. cap. 2. Fleta, lib. 2. cap. 2. 26 H. VIII. [5] Sir Thomas Parret's case.

The order of parliament is, that if a bill come first to the commons, and they passe, that then it is used to be indorsed in this forme, *soit bayle al seignors;* and if the lords nor the king doe not alter the bill, then the use is to deliver it the clerke of the parliament, to be inrolled without indorsing it; and if it be a common bill, it shall be inrolled, but if it be a particular bill, it shall not be inrolled, but filed upon the filinster; but if the party will sue to have it inrolled, it may be inrolled. Every bill which passeth the parliament shall have relation to the first day of the parliament, though it be put in at the end of the parliament, 33 H. VI. 17.

If divers sessions be in one parliament, and the king doth not signe the bill untill the last, then all is the same day, and all shall have relation to the first day of the first sessions, and the first day and the last all is one parliament, and one day in law, 33 H. VIII.

Premunire is given *per lestat.*;[1] yet a man may not have that against a man by bill, in *banco regis*.

In the case of a *quare impedit*, it was said by Horton, that a statute penall, as the statute *de provision*, shall be taken strict law, but the statute made for the common remedy for generall mischiefe may be taken by equity: and that the pope may not grant to a man to have three bishopricks, *vide tit. de Wast*, 68, where the statute giveth an action *de Wast* in novell case. All that is adjoining to the same act *est done similiter*, though it be not expressely spoken of, as, if an action of Wast be given against tenant, *in tayle apres possibilitie d'issue extient*, &c., treble damage shall be recovered, though that it be not spoken of *per Thirn*. And the same law is, if Gardein in chivalry, and Tenant in dower, shall render treble damages, yet Wast lyeth against them by the common law, 12 Hen. IV. 3.

Nota.—That a statute or act of parliament[2] need not be proclaimed, for the parliament doth represent the whole body of the realm, for there be knights and burgesses in every county. A private act of parliament shall not conclude men as a generall act shall do, nor strangers are bound to take notice thereof.

If the king, by act of parliament,[3] reciteth an act of parliament, where there is no such act of parliament, and confirms the same estate of party contained in the act, that is a conclusion to all to say, that the tenant had nothing in the land at the time of the making of the act, or time of the confirmation, 9 Hen. VII. fol. 2.

Note.—Where it is given by the stat. of West. 2. cap. 11. that a man shall have an action of debt, upon an escape of a man condemned, against the jaylor, the action doth not lie against the executor of the jaylor, for that is out of the case of the statute.

A statute which is in the negative[4] bindes the common law so, that a man may not after make use of the common law. West. 2. cap. 40. 21 Hen. VII. 21.

The Liberties and Freedomes of the Subjects.[5]

That no tallage or ayde shall be laid or levied by the king, or his heires, in this realm,[6] without the good will and assent of the archbishops, earles, barons, knights, burgesses, and other of the freemen and commonaltie of this realme: and by authoritie of parliament, holden in the 25th yeare of the reigne of King Edward the Third, it is enacted, that thenceforth no person should be compelled to make any loanes to the king against his will, because such loanes were against reason, and the franchise of the land.

[1] Premunire, per bill, 1 Rich. III. cap. 17. 11 H. IV. 76. [2] 39 Edw. III. 7.
[3] 9 Hen. VII. fol. 2. [4] In the negative and affirmative diversity, vide 18 Edw. IV. fol. 16.
[5] Vide Lestat. of King Edw. I. *vocat. Statut. de Tallagio non concedendo.*
[6] *Vide le Petition de Droit*, exhibited in parliament anno 3. Carol. Regis. Vide Lestat. 25 Edw. III.

And, by another law of this realme, it is provided that none should be charged by any charge or imposition called a benevolence, nor by such charge by which the statutes before mentioned, and other good lawes and statutes of this realme, your subjects have inherited their freedomes. Vide Lestat. 1 Edw. I. and 25 Edw. III.

Vide Lestat. called the grand charter of the liberties of England. The words of the statute,[1] that no freemen may be taken or imprisoned, or disseised of his freehold or liberties, or his free customes, or be outlawed, or in any manner destroyed, but by the lawfull judgement of his peeres, or by the law of the land.

[2] *Nulli vendemus, nulli negabimus, aut differemus justitiam, vel rectum.*

In which statute there is not any mention made how wifes, ladies of great estate, by reason of their husbands, peeres of the land, coverts, or soles, that is to say, dutchesses, countesses, or baronesses, shall be put to answer, or before what judges they shall be adjudged, upon indictments of treasons or felonies by them made; because of which there is a doubt in law, before whom, and by whom, such ladies, so indicted, shall be put to answer, and be adjudged. The king willeth further,[3] such ambiguities and doubts, hath declared, by the authoritie above-said, that such ladies, so indicted, or hereafter to be indicted of any treason or felony by them made, or hereafter to be made, though they be covert of baron or sole, they are by themselves to answer, and put to answer and adjudged before such judges and peeres of the realme as peeres of the realme shall be, if they were indicted, or impeached of such treasons or felonies made; and in such manner and forme, and no otherwise. But none of these statutes have beene put in practise to extend to a bishop or abbot, although they injoy the name of lord of parliament; for they have not that name, bishop or abbot, *ratione nobilitatis, sed ratione officii*, nor have any place in parliament in respect of their nobilitie, but in respect of their possessions, having ancient baronies annexed to their dignities. There be divers precedents, whereof one was in the time of King Hen. VIII. *et vide* p. 10. Edw. IV. fol. 6. that one of the peeres indicted of treason or felonie may be arraigned of that in parliament. *Vide Plus, tit. Corr. in Fitz.* p. 3. Edw. III. p. 161. *Vide Lestat.* 1 and 2 Phil. and Mar. cap. 3. 33 Hen. VIII. cap. 23.

[1] Vide Lestat. de Magna Charta, cap. 9. *Nullus liber homo capiatur vel imprisonetur, aut disseisitur de libero tenem' suo, vel libertatibus, vel liberis consuetudinibus suis, aut utlagetur, aut exuletur, aut aliquo modo destruatur. Nec super eum ibimus, nec super eum mittimus, nisi per legale judicium partum suorum, vel per legem terræ.*

[2] Stat. de Magna Charta. Vide Lestat. 20 Hen. VI. cap. 9. Vide Stamf. lib. 3. cap. 1.

[3] Stat. Magna Charta, et 20 Hen. VI. cap. 9.

Reasons of the present Judgement of the University of Oxford concerning the Solemn League and Covenant, the Negative Oath, the Ordinances concerning Discipline and Worship; approved by general Consent, in a full Convocation, June 1st, 1647, and presented to Consideration.

A Solemn League and Covenant, for Reformation and Defence of the Religion, the Honour and Happiness of the King, and the Peace and Safety of the three Kingdoms, England, Scotland, and Ireland.

We, noblemen, barons, knights, gentlemen, citizens, burgesses, ministers of the gospel, and commons of all sorts, in the kingdoms of England, Scotland, and Ireland, by the providence of God living under one king, and being of one reformed religion, having before our eyes the glory of God, and the advancement of the kingdom of our Lord and Saviour Jesus Christ, the honour and happiness of the kings majestie and his posteritie, and the true publike liberty, safety, and peace of the kingdoms, wherein every ones private condition is included, and calling to minde the treacherous and bloody plots, conspiracies, attempts, and practices of the enemies of God against the true religion, and professors thereof, in all places, especially in these three kingdoms, ever since the reformation of religion, and how much their rage, power, and presumption has, of late, and at this time increased and exercised; whereof the deplorable estate of the church and kingdom of Ireland, the distressed estate of the church and kingdom of England, and the dangerous estate of the church and kingdom of Scotland, are present and publike testimonies,—we have now, at last, (after other means of supplication, remonstrance, protestations, and sufferings,) for the preservation of ourselves and our religion from utter ruine and destruction, according to the commendable practice of these kingdoms in former times, and the example of Gods people in other nations, after mature deliberation, resolved and determined to enter into a mutual and solemne league and covenant, wherein we all subscribe; and each one of us, for himself, with our hands lifted up to the most high God, do swear—

I.

That we shall sincerely, really, and constantly, through the grace of God, endeavour, in our several places and callings, the preservation of the reformed religion in the church of Scotland, in doctrine, worship, discipline, and government, against our common enemies; the reformation of religion in the kingdoms of England and Ireland, in doctrine, worship, discipline, and government, according to the word of God, and the example of the best reformed churches; and shall indeavour to bring the churches of God, in the three kingdoms, to the neerest conjunction and uniformity in religion, confession of faith, form of church government, directory for worship and catechizing; that we, and our posterity after us, may, as brethren, live in faith and love, and the Lord may delight to dwell in the midst of us.

II.

That we shall, in like manner, without respect of persons, indeavour the extirpation of popery, prelacy, (that is, church government, by arch-bishops, bishops, their chancellours and commissaries, deans, deans and chapters, archdeacons, and all other ecclesiasticall officers depending on that hierarchy,) superstition, heresie, schisme, prophanesse,

and whatsoever shall be found to be contrary to sound doctrine and the power of godlinesse; lest we partake in other mens sins, and thereby be in danger to receive of their plagues; and that the Lord may be one, and his name one, in the three kingdoms.

III.

We shall, with the same sincerity, reality, and constancy, in our severall vocations, endeavour, with our estates and lives, mutually to preserve the rights and priviledges of the parliaments, and the liberties of the kingdoms, and to preserve and defend the kings majesties person and authority, in the preservation and defence of the true religion and liberties of the kingdoms, that the world may bear witnesse, with our consciences, of our loyaltie, and that we have no thoughts or intentions to diminish his majesties just power and greatnesse.

IIII.

We shall also, with all faithfulnesse, endeavour the discovery of all such as have been, or shall be incendiaries, malignants, or evill instruments, by hindering the reformation of religion, dividing the king from his people, or one of the kingdomes from another, or making any faction or parties amongst the people, contrary to this league and covenant, that they may be brought to publicke triall, and receive condigne punishment, as the degree of their offences shall require or deserve, or the supreme judicatories of both kingdomes respectively, or others having power from them for that effect, shall judge convenient.

V.

And whereas the happinesse of a blessed peace between these kingdoms, denyed in former times to our progenitors, is, by the good providence of God, granted unto us, and hath been lately concluded and settled by both parliaments, we shall, each one of us, according to our place and interest, endeavour that they may remain conjoyned in a firme peace and union to all posterity, and that justice may be done upon the wilfull opposers thereof, in manner expressed in the precedent articles.

VI.

We shall also, according to our places and callings, in this common cause of religion, liberty, and peace of the kingdomes, assist and defend all those that enter into this league and covenant, in the maintaining and pursuing thereof, and shall not suffer ourselves, directly or indirectly, by whatsoever combination, perswasion, or terrour, to be divided, and withdrawn from this blessed union and conjunction, whether to make defection to the contrary part, or to give ourselves to a detestable indifferency or neutrality in this cause, which so much concerneth the glory of God, the good of the kingdoms, and the honour of the king; but shall, all the days of our lives, zealously and constantly continue therein, against all opposition, and promote the same, according to our power, against all lets and impediments whatsoever; and what we are not able ourselves to suppresse or overcome, we shall reveal and make known, that it may be timely prevented or removed:—All which we shall do as in the sight of God.

And because these kingdoms are guilty of many sins and provocations against God, and his son Jesus Christ, as is too manifest, by our present distresses and dangers, the fruits thereof, we professe and declare, before God and the world, our unfayned desire to be humbled for our own sins, and for the sins of these kingdomes; especially, that we have not as we ought valued the inestimable benefit of the gospel, that we have not laboured for the purity and power thereof, and that we have not endeavoured to receive Christ in our hearts, nor to walk worthy of him in our lives, which are the causes of other sins and transgressions so much abounding amongst us; and our true and unfained purpose, desire, and endeavour, for ourselves, and all others under

our power and charge, both in publike and in private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real reformation, that the Lord may turn away his wrath and heavy indignation, and establish these churches and kingdoms in truth and peace. And this covenant we make in the presence of Almighty God, the searcher of all hearts, with a true intention to performe the same, as we shall answer at that great day when the secrets of all hearts shall be disclosed; most humbly beseeching the Lord to strengthen us by his holy spirit for this end, and to blesse our desires and proceedings with such successe as may be deliverance and safety to his people, and encouragement to other Christian churches, groaning under, or in danger of the yoke of anti-christian tyranny, to joine in the same, or like association and covenant, to the glory of God, the enlargement of the kingdome of Jesus Christ, and the peace and tranquillity of Christian kingdomes and commonwealths.

The Negative Oath.

I A. B. do swear from my heart that I will not, directly nor indirectly, adhere unto, or willingly assist the king in this war, or in this cause, against the parliament, nor any forces raised without the consent of the two houses of parliament, in this cause or war: And I do likewise swear, that my comming and submitting my self under the power and protection of the parliament is without any manner of design whatsoever to the prejudice of the proceedings of this present parliament, and without the direction, privity, or advice of the king, or any of his council or officers, other than what I have now made known. So help me God, and the contents of this book.

Reasons why the University of Oxford cannot submit to the Covenant, the Negative Oath, the Ordinance concerning Discipline and Directory, mentioned in the late Ordinance of Parliament for the visitation of that Place.

Whereas, by an ordinance of the lords and commons assembled in parliament, for the visitation and reformation of the university of Oxford, lately published, power is given to certain persons, therein named as visitors, to enquire concerning those of the said university that neglect to take the solemn league and covenant, and the negative oath, being tendred unto them, and likewise concerning those that oppose the execution of the ordinances of parliament concerning the discipline and directory, or shall not promote, or cause the same to be put in execution, according to their several places and callings,—we, the masters, scholars, and other officers and members of the said university, not to judge the consciences of others, but to clear ourselves, before God and the world, from all suspition of obstinacy, whilst we discharge our own, present to consideration the true reasons of our present judgement concerning the said covenant, oath, and ordinances; expecting so much justice, and hoping for so much charity, as either not to be pressed to conform to what is required in any the premisses, further than our present judgements will warrant us, or not condemned for the refusing so to do, without clear and real satisfaction given to our just scruples.

Sect. I. *Of the Preface to the Covenant.*

The exceptions against the introductory preface to the covenant, although we insist not much upon, because it may be said to be no part of the covenant, yet, among the

things therein contained, the acknowledgement whereof is implicitly required of every covenanter,—

1. We are not able to say that the rage, power, and presumption of the enemies of God (in the sense there intended) is at this time increased.

2. Nor can truly affirm that we had used, or given consent to any supplication or remonstrance, to the purposes therein expressed.

3. Nor do conceive the entring into such a mutuall league and covenant to be a lawfull, proper, and probable means to preserve our selves and our religion from ruine and destruction.

4. Nor can we believe the same to be according to the commendable practice of these kingdoms, or the example of God's people in other nations, when we find not the least foot-step in our histories of a sworn covenant ever entred into by the people of this kingdome, upon any occasion whatsoever, nor can readily remember any commendable example of the like done in any other nation, but are rather told, by the defenders of this covenant, that[1] the world never saw the like before.

Sect. II. *Of the Covenant in Gross.*

First, we are not satisfied how we can submit to the taking thereof, as it is now imposed under a penalty;

1. Such imposition (to our seeming) being repugnant to the nature of a covenant, which, being a contract, implyeth a[2] voluntary mutuall consent of the contractors, whereunto men are to be induced by perswasions, not compelled by power: In so much, that the very words of this covenant, in the preface, conclusion, and whole frame thereof, runne in such a form throughout, as import a consent rather grounded upon prudentiall motives, than extorted by rigour.

2. Without betraying the liberty which, by our protestation we are bound, and, in the third article of this covenant must swear, with our lives and fortunes, to preserve: To which liberty the imposition of a new oath, other than is established by act of parliament, is expressed in the[3] petition of right, and by the lords and commons, in their[4] declarations, acknowledged to be contrary.

3. Without acknowledging in the imposers a greater power then, for ought that appeareth to us, hath been in former time challenged, or can consist with our former protestation, (if we rightly understand it,) in sundry the most material branches thereof.

Neither, secondly, are we satisfied, although the covenant would not be imposed upon us at all, but only recommended to us, and then left to our choice,

1. How we should in wisdom and duty, (being subjects,) of our own accord and free will, enter into a covenant, wherein he whose subjects we are is in any wise concerned, without his consent, either expressed, or reasonably presumed; it being in his power, (as we conceive,) by the equity of the law, Number 32, to annull and make void the same at his pleasure.

2. How we can (now that his majestie hath, by his publique[5] interdict, sufficiently

[1] Such an oath, as for matter, persons, and other circumstances, the like hath not been in any age, or oath we read of in sacred or humane stories.—Mr Nye, *Covenant, with Narrative*, p. 12.

[2] *Pactis est duorum pluriumve in idem placitum consensus*, L. 1. ff. de Pactis.

[3] Whereas many of them have had an oath administred unto them, not warrantable by the laws and statutes of this realm, they do humbly pray that no man hereafter be compelled to take such an oath:—All which they most humbly pray, as their rights and liberties, according to the laws and statutes of this realm. *Petit. of Right*, 3 *Carol.*

[4] It is declared, 16th Jan. 1642, that the king cannot compel men to be sworn without an act of parliament. *Exact. Collect.* p. 859, 860.

[5] Proclam. of 9th Octob. 19 Car.

made known his pleasure in that behalf,) enter into a covenant, the taking whereof he hath expressly forbidden; forfeiting that obedience which, (as we are perswaded,) by our natural allegiance and former oaths, we owe unto all such his majesties commands as are not, in our apprehension, repugnant to the will of God, or the positive laws of this kingdom.

Sect. III. *Of the First Article of the Covenant.*

Wherein, first, we are not satisfied how we can with judgement swear to endeavour to preserve the religion of another kingdom,

1. Whereof, as it doth not concern us to have very much, so we profess to have very little understanding.

2. Which (so farre as the occurrents of these unhappy times have brought it to our knowledge, and we are able to judge) is in three of the four specified particulars, viz. worship, discipline, and government, much worse, and in the fourth (that of doctrine) not at all better than our own, which we are, in the next passage of the article, required to reform.

3. Wherein if hereafter we shall find any thing (as, upon farther understanding thereof it is not impossible we may) that may seem to us savouring of popery, superstition, heresie, or schisme, or contrary to sound doctrine, or the power of godlinesse, we shall be bound by the next article to indeavour the extirpation, after we have bound ourselves, by this first article, to the preservation thereof.

4. Wherein we already find some things (to our thinking) so far tending[1] towards superstition and[2] schism, that it seemeth to us more reasonable that we should call upon them to reform the same, than that they should call upon us to preserve it.

Secondly, we are not satisfied in the next branch, concerning the reformation of religion in our own kingdom, in doctrine, worship, discipline, and government, how we can swear to endeavour the same, (which, without making a change therein, cannot be done,)—

I. Without manifest scandal to the papist and separatist;

1. By yeelding the cause which our godly bishops and martyrs, and all our learned divines, ever since the reformation, have, both by their writings and sufferings, maintained; who have justified, against them both, the religion established in the church of England to be agreeable to the word of God.

2. By justifying the papists in the reproaches and scorn by them cast upon our religion, whose usual objection it hath been, and is, that we know not what our religion is; that, since we left them, we cannot tell where to stay; and that our religion is a[3] parliamentary religion.

3. By a tacite acknowledgement that there is something, both in the doctrine and worship, whereunto their conformity hath been required, not agreeable to the word of God, and consequently justifying them both, the one in his recusancy, the other in his separation.

4. By an implied confession that the laws formerly made against papists in this kingdom, and all punishments by vertue thereof inflicted upon them, were unjust, in punishing them for refusing to joyn with us in that form of worship which ourselves (as well as they) do not approve of.

[1] Viz. In accounting bishops anti-christian, and indifferent ceremonies unlawfull.

[2] Viz. In making their discipline and government a mark of the true church, and the setting up thereof the erecting of the throne of Christ.

[3] Let us not be blamed if we call it parliamentary religion, parliament gospel, parliament faith. Harding, *Confut. of Apology*, part 6. chap. 2.

II. Without manifest wrong unto ourselves, our consciences, reputation, and estates, in bearing false witness against our selves, and sundry other waies, by swearing to endeavour to reform that, as corrupt and vitious,

1. Which we have formerly, by our personal subscriptions, approved, as agreeable to God's word; and have not been since either condemned by our own hearts for so doing, or convinced in our judgements, by any of our brethren, that therein we did amisse.

2. Which in our consciences we are perswaded not to be, in any of the four specified particulars, (as it standeth by law established,) much lesse in the whole four, against the word of God.

3. Which we verily believe (and, as we think, upon good grounds) to be, in sundry respects, much better, and more agreeable to the word of God, and the practise of the catholique church, than that which we should, by the former words of this article, swear to preserve.

4. Whereunto the laws yet in force require of all such clerks as shall be admitted to any benefice the signification of their hearty assent, to be attested openly in the time of divine service, before the whole congregation there present, within a limited time, and that under pain (upon default made) of the losse of every such benefice.

III. Without manifest danger of perjury; this branch of the article (to our best understandings) seeming directly contrary,

1. To our former solemn protestation, which we have bound ourselves, neither for hope, fear, or other respect, ever to relinquish: wherein the doctrine which we have vowed to maintain, by the name of the true protestant religion, expressed in the doctrine of the church of England, we take to be the same which now we are required to endeavour to reform and alter.

2. To the oath of supremacie, by us also taken, according to the laws of the realm, and the statutes of our university in that behalf; wherein, having first testified and declared, in our consciences, that the king's highnesse is the only supreme governour of this realm, we do after swear to our power to assist and defend all jurisdictions, privileges, preheminences, and authorities granted, or belonging to the king's highnesse, his heirs, and successors, or united and annexed to the imperial crown of this realme: One of the which privileges and preheminences, by an expresse statute so annexed, and that even, *in terminis*, in the self same words, in a manner, with those used in the oath, is, the whole power of spiritual or ecclesiasticall jurisdiction, for the correction and reformation of all manner of errors and abuses in matters ecclesiasticall; as by the words of the said statute more at large appeareth. The oath affording the proposition, and the statute the assumption, we find no way how to avoid the conclusion.

Sect. IV. *Of the Second Article of the Covenant.*

First, it cannot but affect us with some grief and amazement to see that ancient form of church government which we heartily (and, as we hope, worthily) honour, as under which our religion was at first so orderly, without violence or tumult, and so happily reformed, and hath since so long flourished with truth and peace, to the honour and happiness of our own, and the envy and admiration of other nations, not only,

1. Endeavoured to be extirpated, without any reason offered to our understandings,

[x] Such jurisdictions, privileges, superiorities, and preheminences, spiritual and ecclesiastical, as by any, &c., for the visitation of the ecclesiastical state and persons, and for reformation, order, and correction of the same, and of all manner of errors, heresies, schisms, abuses, offences, contempts, and enormities, shall, for ever, by authority of this present parliament, be united and annexed to the imperial crown of this realm. *An Act restoring to the Crown the antient jurisdiction*, &c., 1 Elizab. 1.

for which it should be thought necessary, or but so much as expedient so to do. But also,

2. Ranked with popery, superstition, heresie, schism, and prophanesse, which we unfainedly profess ourselves to detest, as much as any others whatsoever.

3. And that with some intimation also, as if that government were, some way or other, so contrary to sound doctrine, or the power of godlinesse, that whosoever should not endeavour the extirpation thereof must, of necessity, partake in other men's sins, which we cannot yet be perswaded to believe.

4. And we desire it may be considered, in case a covenant of like form should be tender'd to the citizens of London, wherein they should be required to swear they would sincerely, really, and constantly, without respect of persons, endeavour the extirpation of treason, the city government, (by a lord-mayor, aldermen, sheriffs, common-councel, and other officers depending thereon,) murther, adulterie, theft, cousenage, and whatsoever shall be, &c., lest they should partake in other men's sinnes, whether such a tendry could be looked upon, by any citizen that had the least spirit of freedom in him, as an act of justice, meekness, and reason?

Secondly, for episcopal government, we are not satisfied how we can, with a good conscience, swear to endeavour the extirpation thereof, 1. In respect of the thing itself; concerning which government, we think, we have reason to believe,

1. That it is (if not *jure divino*, in the strictest, that is to say, expressly commanded by God, in his word, yet) of apostolical institution, that is to say, was established in the churches by the apostles, according to the mind, and after the example of their master, Jesus Christ, and that by vertue of their ordinary power and authority, derived from him, as deputed by him governors of his church.

2. Or, at least, that episcopal aristocracy hath a fairer pretension, and may lay a juster title and claim to a divine institution than any of the other forms of church government can do; all which yet do pretend thereunto, viz. that of the papal monarchy, that of the presbyterian democracy, and that of the independents, by particular congregations, or gathered churches.

II. But we are assured, by the undoubted testimony of ancient records and later histories, that this form of government hath been continued with such an universal, uninterrupted, unquestioned succession in all the churches of God, and in all kingdoms that have been called Christian, throughout the whole world, for fifteen hundred years together, that there never was, in all that time, any considerable opposition made there-against. That of Arius was the greatest, wherein yet there was little of consideration, beside these two things,—that it grew at the first but out of discontent, and gained him at the last but the reputation of an heretique; from which antiquity and continuance we have just cause to fear that to endeavour the extirpation thereof,

1. Would give such advantage to the papists, who usually object against us and our religion the contempt of antiquity, and the love of novelty, that we should not be able to wipe off the aspersion.

2. Would so diminish the just authority due to the consentient judgement and practise of the universal church, (the best interpreter of Scripture, in things not clearly exprest; for *lex currit cum praxi*,) that without it we should be at a losse in sundry points, both of faith and manners, at this day firmly believed and securely practised by us, when, by the socinians, anabaptists, and other sectaries, we should be called upon for our proofs: As, namely, sundry orthodoxal explications concerning the trinity and co-equality of the persons in the god-head, against the arians and other heretiques; the number, use, and efficacy of sacraments; the baptising of infants; national churches; the observation of the Lord's day; and even of the canon of Scripture itself.

Thirdly, in respect of ourselves, we are not satisfied how it can stand with the principles of justice, ingenuity, and humanity, to require the extirpation of episcopal govern-

ment (unlesse it had been first clearly demonstrated to be unlawfull) to be sincerely and really endeavoured by us,

1. Who have all of us, who have taken any degree, by subscribing the 39 articles, testified our approbation of that government; one of those [1] articles affirming the very book containing the form of their consecration to contain in it nothing contrary to the word of God.

2. Who have most of us (viz. as many as have entred into the ministery) received orders from their hands; whom we should very ill requite for laying their hands upon us, if we should now lay to our hand to root them up, and cannot tell for what.

3. Who have sundry of us, since the beginning of this parliament, subscribed our names to petitions, exhibited, or intended to be exhibited to the high court, for the continuance of that government: Which, as we then did sincerely and really, so we should, with like sincerity and reality, still (not having met with any thing since to shew us our errour) be ready to do the same again, if we had the same hopes we then had of the reception of such petitions.

4. Who hold some of us our livelyhood, either in whole or in part, by those titles of deans, deans and chapters, &c., mentioned in the articles; being members of some collegiate or cathedrall churches. And our memories will not readilie serve us with any example in this kind since the world began, wherein any state or profession of men, though convicted (as we are not) of a crime that might deserve deprivation, were required to bind themselves by oath, sincerely and really to endeavour the rooting out of that, (in itself not unlawfull,) together wherewith they must also root out themselves, their estates and livelyhoods.

5. Especially it being usual, in most of the said churches, that such persons as are admitted members thereof have a personal oath administred unto them, to maintain the honour, immunities, liberties, and profits of the same, and, whilst they live, to seek the good, and not to do any thing to the hurt, hindrance, or prejudice thereof; or in other words, to the like effect.

Fourthly, in respect of the church of England, we are not satisfied how we can swear to endeavour the extirpation of the established government, no necessitie or just cause for so doing either offering itself, or being offered to our understandings.

1. Since all change of government unavoidably bringeth with it, besides those that are present and evident, sundry other inconveniencies, which no wit of man can possibly foresee to provide against it, till late experience discover them, we cannot be sure that the evils which may ensue upon the change of this government (which hath been of so long continuance into this kingdom, is so deeply rooted in the lawes thereof, and hath so near a conjunction with, and so strong an influence upon the civil state and government, as that the change thereof must infer the necessity of a great alteration to be made in the other also) may not be greater than the supposed evils, whatsoever they are, which by this change are sought to be remedied; for there are not yet any come to our knowledge of that desperate nature, as not to be capable of other remedy than the utter extirpation of the whole government itself.

2. Whereas the house of commons have [2] remonstrated that it was far from their purpose or desire to abolish the church government, but rather that all the members of the church of England should be regulated by such rules of order and discipline as are

[1] Art. 36.

[2] —— give advantage to this malignant party to traduce our proceedings: They infuse into the people that we mean to abolish all church government.—*Remonst* 15 *Dec.* 1641, *Exact Collect.* p. 19. The lords and commons do declare, that they intend a due and necessary reformation of the government and liturgy of the church, and to take away nothing, in the one or in the other, but what shall be evil and justly offensive, or at least unnecessary and burthensome.—*Declar.* 9 *April*, 1642, *Exact. Coll.* p. 135.

established by parliament, and that it was malignancy to infuse into the people that they had any other meaning,—we are loth, by consenting to the second article, to become guilty of such infusion as may bring us within the compass and danger of the fourth article of this covenant.

3. Since it hath been declared, by sundry [1] acts of parliament, that the holy church of England was founded in the state of prelacy within the realm of England, we dare not, by endeavouring the extirpation of prelacy, strike at the very foundation, and thereby (as much as in us lieth) co-operate towards the ruine of this famous church, which, in all conscience and duty, we are bound, with our utmost lawful power, to uphold.

Lastly, In respect of our obligations to his majesty, by our duty and oathes, we are not satisfied how we can swear to endeavour the extirpation of the church government by law established, without forfeiture of those obligations.

1. Having, in the oath of supremacy, acknowledged the king to be the onely supream governour in all ecclesiastical causes, and over all ecclesiastical persons, and having bound ourselves, both in that oath and by our protestation, to maintaine the king's honour, estate, jurisdictions, and all manner of rights, it is clear to our understandings that we cannot, without disloyalty and injury to him, and double perjury to ourselves, take upon us, without his consent, to make any alteration in the ecclesiastical lawes or government, much lesse to endeavour the extirpation thereof, unlesse the imposers of this covenant had a power and meaning (which they have openly [2] disclaimed) to absolve us of that obedience which, under God, we owe unto his majesty, whom they know to be intrusted with the ecclesiastical law.

2. We cannot sincerely and really endeavour the extirpation of this government, without a sincere desire and real endeavour that his majesty would grant his royal assent to such extirpation: Which we are so far from desiring and endeavouring, that we hold it our bounden duty, by our daily prayers, to beg at the hands of Almighty God that he would not, for our sins, suffer the king to do an act so prejudicial to his honour and conscience, as to consent to the rooting out of that estate which, by so many branches of his [3] coronation oath, he hath, in such a solemn manner, sworn, by the assistance of God, to his power to maintain and preserve.

3. By the lawes of this land, [4] the collation of bishopricks and [5] deanaries, the [6] fruits and profits of their lands and revenues during their vacancies, the [7] first fruits and yearly tenths out of all ecclesiastical promotions, and sundry other privileges, profits, and emoluments, arising out of the state ecclesiastical, are established in the crown, and are a considerable part of the revenues thereof; which, by the extirpation of prelacy, as it is in the article expounded, or by subsequent practice evidenced, will be severed and cut off from the crown, to the great prejudice and damage thereof. Whereunto, as we ought not in common reason, and in order to our allegiance as subjects, yield our consent, so, having sworn expressly to maintain the king's honour and estate, and to our power to assist and defend all jurisdictions, &c., belonging to his highness, or united and annexed to the imperial crown of the realm, we cannot, without manifest perjury, (as we conceive,) consent thereunto.

[1] Statute of Carlile, 25 Ed. I., recited 25 Ed. III.

[2] They infuse into the people, that we mean to leave every man to his own fancy, absolving him of that obedience which he owes, under God, unto his majesty, whom we know to be intrusted with the ecclesiastical law, as well as with the temporal.—*Exact Coll. ubi sup.* p. 19.

[3] That he will grant, keep, and confirm the laws, customs, and franchises granted to the clergy by the glorious King S Edward: And he will grant and preserve unto the bishops, and to the churches committed to their charge, all canonical priviledges, and due law and justice; and that he will protect and defend them as every good king, in his kingdom, ought to be protector and defender of the bishops and the churches under their government. —*Vide Exact. Collect.* p. 290, 291.

[4] See Stat. 25 Hen. VIII. 20. and 1 Ed. VI. 2. [5] See Stat. 39 Eliz. 8. [6] Stat. 14 Ed. III. 4 and 5. and 17 Ed. III. 14. [7] Stat. 26 Hen. VIII. 3. and 1 Eliz. 4.

4. The government of this realm being confessedly an empire or[1] monarchy, and that of a most excellent temper and constitution, we understand not how it can become us to desire or endeavour the extirpation of that government in the church, which we conceive to be, incomparably of all other, the most agreeable, and no way prejudiciall to the state of so well a constituted monarchy: in so much as King James would often say, what his long experience had taught him,—No bishop, no king: Which aphorism though we find in sundry pamphlets of late years to have been exploded, with much confidence and scorn, yet we must professe to have met with very little in the proceedings of the late times to weaken our belief of it. And we hope we shall be the less blamed for our unwillingness to have any actual concurrence in the extirpation of episcopall government, seeing of such extirpation there is no other use imaginable, but either the alienation of their revenues and inheritances, (which how it can be severed from sacriledge and injustice we leave others to find out) or to make way for the introducing of some other form of church government; which, whatsoever it shall be, will (as we think) prove either destructive of, and inconsistent with monarchiall government, or, at least-wise, more prejudicial to the peaceable, orderly, and effectual exercise thereof, than with a well regulated episcopacy can possibly be.

Sect. V. *Of the other Parts of the Government.*

Having insisted the more upon the two first articles that concern religion and the church, and wherein ourselves have a more proper concernment, we shall need to insist the less upon those that follow, contenting ourselves with a few (the most obvious) of those many great and (as we conceive) just exceptions that lye there-against.

I. In the third article we are not satisfied that our endeavour to preserve and defend the king's majesties person and authority is so limited as there it is, by that addition,—in the preservation and defence of the true religion and liberties of the kingdom; forasmuch as,

1. No such limitation of our duty in that behalf is to be found, either in the oathes of supremacy and allegiance, (which no papist would refuse to take with such a limitation,) nor in the protestation, nor in the word of God.

2. Our endeavour to preserve the rights and priviieges of parliaments, and liberties of the kingdomes, is required to be sworn of us in the same article, without the like or any other limitation added thereunto.

3. Such limitation leaveth the duty of the subject at so much loosenesse, and the safety of the king at so great uncertainty, that whensoever the people shall have a mind to withdraw their obedience, they cannot want a pretence from the same for so doing.

4. After we should, by the very last thing we did, (viz. swearing with such a limitation,) have made ourselves guilty of an actual and real diminution (as we conceive) of his majestie's just power and greatnesse, the obtestation would seem very unseasonable, (at the least,) with the same breath to call the world to bear witnesse, with our consciences, that we had no thoughts or intentions to diminish the same.

5. The swearing with such a limitation is a testimony of the subject's loyalty (to our seeming) of a very strange nature, which (the principles of their severai religions salved) the conscience of a most resolute papist or sectary may securely swallow, and the conscience of a good protestant cannot but strein at.

[1] — *Supremam potestatem et merum imperium apud nos habet rex.*—Camb. Whereas, by sundry divers old authentick histories and chronicles, it is manifestly declared and expressed that this realm of England is an empire, and so hath been accepted in the world, governed by one supream head and king, having the dignity and royall estate of the imperial crown of the same.—Stat 24 H. VIII. 12. See also 1 Elizab. 3.

II. In the fourth article,

1. We desire it may be considered whether the imposing of the covenant in this article do not lay a necessity upon the son of accusing his own father, and pursuing him to destruction, in case he should be an incendiary, malignant, or other evill instrument, such as in the article is described: a course which we conceive to be contrary to religion, nature, and humanity.

2. Whether the swearing according to this article doth not rather open a ready way to children that are sick of the father, husbands that are weary of their wives, &c., by appealing such as stand between them and their desires of malignancy, the better to effectuate their unlawful intentions and designes.

3. Ourselves having solemnly protested to maintain the liberty of the subject, and the house of commons having publickly declared against the exercise of an arbitrary power, with order that their said declaration should be printed and published in all the parish churches and chappels of the kingdome, there to stand and remain as a testimony of the clearnesse of their intentions,—whether the subjecting of ourselves and brethren, by oath, unto such punishments as shall be inflicted upon us, (without law or merit,) at the sole pleasure of such uncertain judges as shall be, upon any particular occasion, deputed for that effect, of what mean quality or abilities soever they be, even to the taking away of our lives, if they shall think it convenient so to do, though the degree of our offences shall not require or deserve the same, be not the betraying of our liberty in the lowest, and the setting up of an arbitrary power in the highest degree that can be imagined.

III. The substance of the fifth article, being the settling and continuance of a firm peace and union between the three kingdomes, since it is our bounden duty to desire, and, according to our several places and interests, by all lawfull means to endeavour the same, we should make no scruple at all to enter into a covenant to that purpose, were it not,

1. That we do not see, nor therefore can acknowledge the happiness of such a blessed peace between the three kingdomes (for we hope Ireland is not forgotten) as in the article is mentioned, so long as Ireland is at war within itself, and both the other kingdoms engaged in that war.

2. That since no peace can be firm and well-grounded that is not bottomed upon justice, the most proper and adequate act whereof is, *jus suum cuique*, to let every one have that which of right belongeth unto him, we cannot conceive how a firm and lasting peace can be established in these kingdomes, unlesse the respective authority, power, and liberty of king, parliament, and subject, as well every one as other, be preserved full and entire, according to the known lawes and continued unquestioned customes of the several kingdomes in former times, and before the beginning of these sad distractions.

IV. In the sixth article we are altogether unsatisfied;—

1. The whole article being grounded upon a supposition, which hath not yet been evidenced to us, viz. that this cause, meaning thereby (or else we understand it not) the joining in this covenant of mutual defence for the prosecution of the late war, was the cause of religion, liberty, and peace of the kingdomes, and that it so much concerned the glory of God, and the good of the kingdomes, and the honour of the king.

2. If all the premisses were so clear that we durst yeeld our free assent thereunto, yet were they not sufficient to warrant to our consciences what in this article is required to be sworn of us, unlesse we were as clearly satisfied concerning the lawfulness of the means to be used for the supporting of such a cause; for since evil may not be done that good may come thereof, we cannot yet be perswaded that the cause of religion, liberty, and peace, may be supported, or the glory of God, the good of the kingdomes, and the honour of the king, sought to be advanced by such means as (to

our best understandings) are both improper for those ends, and destitute of all warrant from the lawes, either of God or of this realm.

Lastly, in the conclusion, our hearts tremble to think that we should be required to pray that other Christian churches might be encouraged, by our example, to join in the like association and covenant, to free themselves from the anti-christian yoke, &c. Wherein,

1. To omit that we do not know any anti-christian yoke under which we were held in these kingdomes, and from which we owe to this either war or covenant our freedom, unlesse by the anti-christian yoke be meant episcopal government, which we hope no man that pretendeth to truth and charity will affirm,

2. We do not yet see in the fruits of this association or covenant among ourselves any thing so lovely as to invite us to desire (much less to pray) that other Christian churches should follow our example herein.

3. To pray to the purpose in the conclusion of the covenant expressed, seemeth to us all one in effect as to beseech Almighty God, the God of love and peace,

1. To take all love and peace out of the hearts of Christians, and to set the whole Christian world in a combustion.

2. To render the reformed religion and all protestants odious to all the world.

3. To provoke the princes of Europe to use more severity towards those of the reformed religion, if not (for their own security) to root them quite out of their several dominions.

4. The tyranny and yoke of antichrist, if laid upon the necks of subjects by their lawfull soveraignes, is to be thrown off by Christian boldness in confessing the truth, and patient suffering for it, not by taking up armes, or violent resistance of the higher powers.

Sect. VI. *Some Considerations concerning the Meaning of the Covenant.*

Our aforesaid scruples are much strengthened by these ensuing considerations.

First, that whereas no oath which is contradictory to itself can be taken without perjury, because the one part of every contradiction must needs be false, this covenant either indeed containeth, or at least-wise (which to the point of conscience is not much less effectual) seemeth to us to contain sundry contradictions; as, namely, amongst others, these:

1. To preserve as it is, without change, and yet to reform and alter, and not to preserve one and the same reformed religion.

2. Absolutely, and without exception, to preserve, and yet, upon supposition, to extirpate the self-same thing, viz. the present religion of the church of Scotland.

3. To reform church government, established in England and Ireland, according to the word of God, and yet to extirpate that government which we are perswaded to be according thereunto, for the introducing of another, whereof we are not so perswaded.

4. To endeavour really the extirpation of heresies, schisms, and prophaneness, and yet, withall, to extirpate that government in the church, the want of the due exercise whereof we conceive to have been one chief cause of the growth of the said evills, and do believe the restoring and continuance thereof would be the most proper and effectual remedy.

5. To preserve, with our estates and lives, the liberties of the kingdome; that is, (as in the protestation is explained,) of the subject, and yet, contrary to these liberties, to submit to the imposition of this covenant, and of the negative oath, not yet established by law, and to put our lives and estates under the arbitrary power of such as

may take away both from us when they please, not onely without, but even against law, if they shall judge it convenient so to do.

Secondly, we find in the covenant sundry expressions of dark or doubtfull construction, whereunto we cannot sweare in judgement, till their sense be cleared, and agreed upon: as, Who are the common enemies? and which be the best reformed churches? mentioned in the first article: Who (in the fourth article) are to be accounted malignants? How far that phrase of hindring reformation may be extended? What is meant by the supreme judicatory of both kingdomes? and sundry other.

Thirdly, by the use that hath been made of this covenant, (sometimes to purposes of dangerous consequence,) we are brought into some fears and jealousies, least, by taking the same, we should cast ourselves into more snares than we are yet aware of; for, in the first article,

I. Whereas we are to endeavour the reformation of religion in this kingdome, in doctrine, worship, discipline, and government, according to the word of God, and the example of the best reformed churches,—

1. The reformation in worship, whereby we could not suppose any more was intended (according to their former[1] declaration) than a review of the service-book, that the translations might be in some places amended, some alterations made in the offices and rubricks, or, at most, some of the ceremonies laid aside, for the reasons of expediency and condescention, hath produced an utter abolition of the whole form established, without substituting any other certain form in the room thereof.

2. The reformation in point of discipline and government intended (so far as, by the overtures hitherto made, we are able to judge) is such as we conceive not to be according to the word of God, nor (for any thing we know) according to the example of any church that ever was in the world (best or worst) since the creation.

II. In the second article, our grief and fears had been lesse, if we could have observed the extirpation of popery, heresie, schisme, and prophaneness to have been as really intended, and set on with as much speed and animosity as the extirpation of prelacy, and that which some call superstition. But when we see, under the notions of rooting out prelacy and superstition, so much quickness used to fetch in the revenues of the church, and the sacred utensils, (no otherwise guilty of superstition, for ought we know, than that they are worth something,) and, on the other side, so little yet done toward the extirpation of heresie, schism, and profaneness, (as things of less temporall advantage,) we cannot dissemble our suspition that the designers of this covenant might have something else before their eyes besides what, in the beginning of the introduction, is expressed, and that there is something meant in this article that looketh so like sacriledge, that we are afraid to venture thereon.

III. In the third article,

1. Although we should not otherwise have apprehended any matter of danger or moment in the ordering of the particulars in the article mentioned, yet, since M. Challoner, in his speech, and others have made advantage thereof, to inferre, from that very order, that the defence of the king's person and authority ought to be with subordination to the preservation of the rights and priviledges of parliaments, and the liberties of the kingdome,[2] which are in the first place, and before it to be endeavoured,—we hope we shall be excused, if we dare not take the covenant in this sense; especially, considering that, if the argument be of any force, it will bind us, at least, as strongly to endeavour the maintenance of the king's person, honour, and estate, in the first place,

[1] The lords and commons do declare, that they intend a due and necessary reformation of the liturgy of the church, and to take away nothing therein but what shall be evill and justly offensive, or at least unnecessary and burdensome.—*Declarat. 9th Apr.* 1642, *Exact. Collect.* p. 135.

[2] From whence it is most evident that the rights and priviledges of the parliaments, and liberties of the kingdom, are in the first place to be preserved.—*Answ. to Scottish Papers*, 18*th Nov.* 1646, page 21.

and the rest but subordinately thereunto; because they are so ordered in the protestation: And then that protestation having the advantage of preceding, it will bind us more strongly, as being the first obligation.

2. Whereas some have been the rather induced to take the covenant in this particular, by being told that that limitation, in the preservation and defence of the true religion and liberties of the kingdomes, was not to be understood exclusively, yet when we find that the house of commons, in their answer to the Scottish papers, doe[1] often presse that limitation, as without which the endeavouring to preserve the king's majestie's person and authority ought not to be mentioned, it cannot but deterre us from taking the covenant in this particular, so understood.

3. Especially being told, in a late pamphlet, that the king not having preserved the liberties of the kingdom, &c., as of duty he ought, is thereby become a tyrant, and so ceaseth to be a king, and, consequently, that his subjects cease to be subjects, and owe him no longer subjection: Which assertion since we heartily detest, as false and scandalous in the supposition, and in the inference seditious and divelish, we dare not, by subscribing this article, seem to give the least countenance thereunto.

4. But it striketh us with horror to think what use hath been made of this fourth article, concerning the punishment of malignants, &c., as by others otherwaies, so, especially, by the corrector of a speech without doors, written in the defence of Mr Challoner's speech, who is so bold as to tell the parliament that they are bound by their covenant (for the bringing of evill instruments to condigne punishment) to destroy the king and his posterity, and that they cannot justifie the taking away of Strafford's and Canterbury's lives for delinquency, whilst they suffer the chief delinquent to go unpunished.

Sect. VII. *Of the Salvos.*

The salvos that we have usually met withall, for the avoyding of the aforsaid scruples, either concerning the whole covenant, or some particulars therein of special importance, we find, upon examination, to be no way satisfactory to our consciences.

The first is, that we may take the covenant in our own sense: but this (in a matter of this nature, viz. an imposed promissory oath, in the performance whereof others also are presumed to be concerned) seemeth to be,

1. Contrary to the nature and end of an oath, which, unless it be full of simplicity, cannot be sworn in truth and righteousness, nor serve to the ending of controversies and contradictions, which was the use for which it was instituted, Heb. 6.

2. Contrary to the end of speech. God having given us the use of speech for this end, that it might be the interpreter of the mind, it behoveth us, as in all other our dealings and contracts, so especially where there is the intervention of an oath, so to speak, as that they whom it concerneth may clearly understand our meaning by our words.

3. Contrary to the end of the covenant itself; which being the confirmation of a firm union among the covenanters, that by taking thereof they might have mutual assurance of mutual assistance and defence,—if one may be allowed to take it in one sense, and another in a contrary, the covenanters shall have no more assurance of mutual assistance each from other, after the taking of the covenant, than they had before.

4. Contrary to the solemn profession made by each covenant, (in expresse terms, in

[1] We observe you mention the defence of the king twice from the covenant, yet in both places leave out "in the preservation and," &c., p. 39 and 46; a main clause, without which the other part ought never to be mentioned, p. 56.

the conclusion thereof,) in the presence of Almighty God, the searcher of all hearts, that he taketh it with a true intention to perform the same, as he shall answer it at the great day.

II. This will bring a scandall upon our religion,

1. That we practise that ourselves which we condemn in papists, viz. swearing with jesuitical equivocations and mental reservations.

2 That we take the glorious and dreadfull name of God in vain, and play fast and loose with oathes, in as much as what we swear to-day in one sense, we may swear the direct contrary to-morrow in another. And,

3. It will give strength to that charge which is layed to the presbiterian party, in special, both [1] by jesuites and [2] sectaries,—that there is no faith to be given to protestants, whatever they swear, because they may swear one thing in their words, and in their own sense mean another.

The second way is, to take the covenant with these, or the like general salvos expressed, viz so far as lawfully I may; so far as it is agreeable to the word of God and the lawes of the land; saving all oathes by me formerly taken, &c. But,

1. We believe this mocking of God would be so far from freeing us from the guilt of perjury, that thereby we should rather contract a new guilt of most vile and abominable hypocrisie.

2. It seemeth all one unto us (the thing being otherwise supposed unlawfull) as if we should swear to kill, steal, commit adultery, or forswear ourselves, so far as lawfully we may.

3. If this would satisfie the conscience, we might with a good conscience not only take the present covenant, but even subscribe to the council of Trent also, yea, and to the Turkish Alcoran, and swear to maintain and defend either of them, viz. so far as lawfully we may, or as they are agreeable to the word of God.

Thirdly, for the second article, in particular, in the branch concerning the extirpation of church government, we are told that it is to be understood of the whole government, taken collectively, and in *sensu composito;* so as, if we do endeavour but the taking away of apparitors only, or of any other one kind of inferiour officers belonging to the ecclesiasticall hierarchy, we shall have sufficiently discharged our whole promise in that particular, without any prejudice done to episcopacy. But,

1. Neither the composers of the covenant by their words, nor the imposers of it by their actions, have given us the least signification that they meant no more.

2. Yea, rather, if we may judge either by the cause or the effects, we may well think there was a meaning to extirpate the whole government, and every part thereof, in the article expressed; for,

1. The covenant being (as we have no cause to doubt) framed at the instance of the Scots, and for the easier procuring of their assistance in the late war, was therefore, in all reason, so to be framed and understood as to give them satisfaction; and (considering what themselves have [3] declared against episcopacy) we have little reason to believe the taking away apparitors, or any thing lesse than the rooting out of episcopacy itself, would have satisfied them.

[1] *Hæretici nec Deo, nec hominibus servant fidem —Speciatim hoc addo, Calvinistas in hac re deteriores esse quam Lutheranos. Nam Calvinistæ nullam servant fidem: Jura, perjura.—Lutherani moderatiores sunt.* Becan. 5. Manual. Controv. 14. n. 4 and 6.

[2] Invent oathes and covenants for the kingdom, dispence with them when he pleaseth, swear and forswear as the wind turneth, like a godly presbyter.—*Arraig. of Persec. in Epist. Ded.*

[3] By the covenant, both houses of parliament, and many thousands of other his majesties subjects of England and Ireland stand bound, as well as we, to hinder the setting up of the church government by bishops in the kingdome of Scotland; and that we, as well as they, stand bound to endeavour the extirpation thereof in England and Ireland.—*Scots Declar. to the States of the United Provinces, 5th Aug. 1645, recited in Answer to the Scots Papers,* p. 23.

2. The proceedings also, since the entering of this covenant, in endeavouring, by ordinance of parliament, to take away the name, power, and revenues of bishops, do sadly give us to understand what was their meaning therein.

Fourthly, as to the scruples that arise from the soveraignty of the king, and the duty of allegiance as subjects, we find two several ways of answering, but little satisfaction in either.

I. The former, by saying (which seemeth to us a piece of unreasonable and strange divinity) that protection and subjection standing in relation either to other, the king being now disabled to give us protection, we are thereby freed from our bond of subjection; whereas,

1. The subjects obligation *(jus subjectionis)* doth not spring from, nor relate unto the actual exercise of kingly protection, but from and unto the prince's obligation to protect *(jus protectionis:)* which obligation lying upon him as a duty which he is bound in conscience to perform, when it is in his power so to do, the relative obligation thereunto lyeth upon us as a duty which we are bound in conscience to perform, when it is in our power so to do. His inability, therefore, to perform his duty, doth not discharge us from the necessity of performing ours, so long as we are able to do it.

2. If the king should not protect us, but neglect his part, though having power and ability to performe it, his voluntary neglect ought not to free us from the faithful performance of what is to be done on our part. How much less then ought we to thinke ourselves disobliged from our subjection, when the non-protection on his part is not from the want of will, but of power?

II. The latter, (wherein yet some have triumphed,) by saying that the parliament being the supreme judicatory of the kingdome, the king, wheresoever in person, is ever present there in his power, as in all other courts of justice; and that, therefore, whatsoever is done by them is not done without the king, but by him. But craving pardon, first, if, in things without our proper sphere, we hap to speak unproperly or amisse, we must next crave leave to be still of the same mind we were, till it shall be made evident to our understandings that the king is there in his power, as it is evident to our senses that he is not there in his person: Which, so far as our natural reason and small experience will serve us to judge, all that hath been said to that purpose can never do.

For, first, to the point of presence:—

1. We have been brought up in a beliefe that for the making of lawes the actual[1] royal assent was simply necessary, and not only a virtual assent, supposed to be included in the votes of the two houses; otherwise, what use can be made of his negative voice; or what need to[2] desire his royal assent to that which may be done as well without it?

[1] The old formes of acts of parliament were, "the king willeth, provideth, ordaineth, establisheth, granteth," &c., "by the assent of parliament," &c. See statutes till 1 Hen. IV. After that, "the king, of the assent of the lords spiritual and temporal, and at the special instance and request of the commons of this realm, hath ordained," &c. See statutes 1 Hen. IV. till 1 Hen VII. A form of such petition of the commons, see 1 Rich. III. 6. "Prayen the commons in this present parliament assembled, that where, &c. Please it therefore your highness, by the advice and assent of the lords spiritual and temporal, in this your present parliament assembled, and by the authority of the same, to ordain," &c.

No bill is an act of parliament, ordinance, or edict of law, although both the houses agree unanimously in it, till it hath the royal assent.—*Ancient Customes*, p. 54.

Assemblee de ceux troys estats est apellee un act de parliament: car sans touts troys n'est ascun act de parl. —Finch, Nomotech. fol. 21.

We admit that no acts of parliament are complete, or formally binding, without the king's assent. H. P.—*Answer to David Jenkins*, p. 6.

[2] "Which if your majesty shall be pleased to adorn with your majestie's royal assent, (without which it can neither be complete and perfect, nor—)" Stat. 1 Jac. I.

2. The[1] statute providing that the king's assent to any bill signified unto his great seal shall be, to all intents of law, as valid and effectual as if he were personally present, doth clearly import that, as to the effect of making a law, the king's power is not otherwise really present with the two houses, than it appeareth either in his person or under his seal: Any other real presence is to us a riddle, not much unlike to that of transubstantiation,—an imaginary thing, rather devised to serve turns, than be ieved by those that are content to make use of it.

3. Such presence of the king there, when it shall be made appear to us, either from the writs whereby the members of both houses are called together, or by the standing lawes of the land, or by the acknowledged judgement and continued practice of former and latter ages, or by an express from the king himself, clearly declaring his mind to that purpose, we shall then, as becometh us, acknowledge the same, and willingly submit thereunto.

And as for the argument drawn from the analogy of other courts, wherein the king's power is always supposed to be virtually present, under submission, we conceive it is of no consequence.

1. The arguments *à minore* and *à majore* are subject to many fallacies, and, unless there be a parity of reason, in every requisite respect, between the things compared, will not hold good. A petty constable (they say) may do something which a justice of peace cannot do: And the steward of a petty manor hath power to administer an oath, which (as we are told) the house of commons itself hath no power to do.

2. That the high court of parliament is the supream judicatory, we have been told it is by vertue of the king's right of presiding there, he being[2] the supream judge, and the members of both houses his council; which being so, the reason of difference is plain between that and other judicatories, in sundry respects.

1. The judges in other courts are deputed by him, and do all in his name, and by his authority; and therefore the presence of his power in those courts of ministerial jurisdiction is sufficient, his personal presence not necessary, neither hath he any personall vote therein at all. But in the high court of parliament, where the king himself is the supream judge, judging in his own name, and by his own authority, his power cannot be presumed to be really present, without either the actual presence of his person, or some virtuall representation thereof, signified under his great seal.

2. The judges in inferiour courts, because they are to act all in his name, and by his authority, do therefore take oaths of fidelity for the right exercising of judicature in their severall places; sitting there, not by any proper interest of their own, but onely in right of the king, whose judges they are; and therefore they are called the king's judges and his ministers. But in the high court of parliament, the lords and commons sit there in councel with the king as supream judge, for the good of the whole realm; and therefore they are not called the king's judges, but the king's councel; and they have their severall proper rights and interests peculiar and distinct, both between themselves and from that of the king's; by reason whereof they become distinct[3] orders, or, as of late times they have been stiled, (in this sense, as we conceive,) [4]three distinct estates; each of which being supposed to be the best conservators of their own proper interest,

[1] Stat. 33 Hen. III. 21.

[2] *Dominus rex habet ordinariam jurisdictionem, dignitatem et potestatem super omnes qui in regno suo sunt. —Ea quæ jurisdictionis sunt et pacis—ad nullum pertinent nisi ad coronam et dignitatem regiam, nec à corond separari possunt.*—Bract., cited by Stamford, lib. 2. cap. 2.

[3] For, in our laws, the clergy, nobility, and communalty are the three estates.—"We, your said most loving, faithful, and obedient subjects, (viz. the lords spiritual and temporal, and the commons,) representing your three estates of your realm of England."—1 Eliz. 3.—"The state of the clergy being one of the greatest states of this realm."—8 Eliz. 1.

[4] See Finch, *supra ad lit.*

if the power of any one estate should be presumed to be virtually present in the other two, that estate must needs be inevitably liable to suffer in the proper interest thereof; which might quickly prove destructive to the whole kingdome; the safety and prosperity of the whole consisting in the conservation of the just rights and proper interest of the main parts, viz. the king, lords, and commons, inviolate and entire.

3. The judges of other courts, forasmuch as their power is but ministerial, and meerly judicial, are bounded by the present laws, and limited also by their own acts; so as they may neither swerve from the laws in giving judgment, nor reverse their own judgments after they are given. But the high court of parliament having (by reason of the king's supream power presiding therein) a power legislative as well as judiciall, are not so limited by any earthly power, but that they may change and over-rule the laws and their own acts at their pleasure. The king's personall assent, therefore, is not needfull in those other courts, which are bounded by those laws whereunto the king hath already given his personall assent, but unto any act of power beside, beyond, above, or against the laws already established. We have been informed, and it seems to us very agreeable to reason, that the king's personall assent should be absolutely necessary; forasmuch as every such act is the exercise of a legislative, rather than a judiciall power; and no act of legislative power, in any community, (by consent of all nations,) can be valid, unless it be confirmed by such person or persons as the sovereignty of that community resideth in: Which soveraignty, with us, so undoubtedly resideth in the person of the king, that his ordinary style runneth,—our [1] soveraigne lord the king: and he is, in the oath of supremacy, expressly acknowledged to be the onely supreme governour within his realms. And we leave it to the wisdome of others to consider what misery and mischief might come to the kingdom, if the power of any of these three estates should be swallowed up by any one, or both the other, and if then, under the name of a judiciall, there should be yet really exercised a legislative power.

4. Since all judiciall power is radically and originally in the king, (who is, for that cause, styled, by the laws,[2] the fountain of justice,) and not in any other person or persons, but by derivation from him, it seemeth to us evident, that neither the judges of inferiour courts of ministeriall justice, nor the lords and commons assembled in the high court of parliament, may, of right, exercise any other power over the subjects of this realm, than such as, by their respective patents and writs, issued from the king, or by the known established laws of the land, formerly assented unto by the kings of this realm, doth appear to have been from him derived unto them. Which laws, patents, and writs being the exact boundary of their several powers, it hath not yet been made appear to our understandings, either from the laws of the realm, or from the tenour of those writs by which the parliament is called, that the two houses of parliament have any power, without the king, to order, command, or transact; but with him [3] to treat, consult, and advise, concerning the great affairs of the kingdome. In which respect they have, sundry times, in their declarations to his majesty, called themselves by the name of his great councell. And those laws and writs are (as we conceive) the proper

[1] The crown of England hath been so free at all times, that it hath been in no earthly subjection, but immediately to God, in all things touching the regality of the said crown.—16 Rich. II 5. *Omnis sub eo est, et ipse sub nullo, nisi tantùm sub Deo. Parem autem non habet rex in regno suo, quia*—*Item nec multò fortiùs superiorem aut potentiorem habere debet, quia sic esset inferior suis subjectis.*—Bract. Conten. 1. Rubr. 36.

— *Cui* αὐτοκρατοριὴν *legibus ipsis legum vim imponendi potestatem Deus dedit.*—Finch, Nomotech. in Epist. Dedic. to K James.

[2] *Fons Justitiæ.* Bract. By war to intend the alteration of the laws, in any part of them, is to levy war against the king, and, consequently, treason, by the stat. of 25 Edw. III —because they are the king's laws. He is the fountain from whence, in their several channels, they are derived to the subject.—*Master St John's Speech concerning the Earl of Strafford*, p. 12.

[3] *Et ibidem vobiscum colloquium habere, tractare super dictis negotiis tract. vestrumq.; concilium impensur.* —Writ to the Lords.]

topick from which the just power of the honourable houses can be convincingly deduced, and not such frail collections as the wits of men may raise from seeming analogies and proportions.

Sect. VIII. *Of the Negative Oath.*

We are not satisfied how we can submit to the taking of the negative oath,—

1. Without forfeiture of that liberty which we have sworn and are bound to preserve: with which liberty we conceive it to be inconsistent that any obligation should be laid upon the subject, by an oath not established by act of parliament.

2. Without abjuring our [1] naturall allegiance, and violating the oaths of supremacy and allegiance by us formerly taken: By all which being bound to our power to assist the king, we are, by this negative oath, required to swear from our heart not to assist him.

3. Without diminution of his majestie's just power and greatness, contrary to the third article of the covenant, by acknowledging a power in the two houses of parliament, in opposition to the king's power: whereas we profess ourselves unable to understand how there can be any lawfull power exercised within this realm which is not subordinate to the power of the king.

Sect. IX. *Of the Ordinances concerning the Discipline and Directory.*

First, concerning them altogether,—we are not satisfied how we can submit to such ordinances of the two houses of parliament, not having the royall assent,

1. As are contrary to the established laws of this realm, contained in such acts of parliament as were made by the joynt consent of the king, lords, and commons.

2. Nor so onely, but also pretend, by repeal, to abrogate such act or acts; for, since *ejusdem est potestatis destruere cujus est constituere*, it will not sink with us, that a lesser power can have a just right to cancell and annull the act of a greater.

3. Especially the whole power of ordering all matters ecclesiastical being, by the laws,[2] in express words, for ever annexed to the imperiall crown of this realm. And upon what head that crown ought to stand, none can be ignorant.

II. As to the particular ordinances: those that concern the discipline first.

1. If under that title be comprehended the government also, we cannot submit thereunto, without consenting to the eradication of a government of reverent antiquity in the church; which (notwithstanding the severall changes of religion within this realm) hath yet, from time to time, been continued and confirmed by the publique laws and great charters of the kingdom; than which there cannot be a more ample testimony that it was ever held agreeable to the civill government and the subjects liberty: which, also, the successive kings of this realm, at their several coronations, have solemnly sworn to preserve; and the continuance whereof, for sundry reasons before (upon the second article of the covenant) specified, we heartily wish and desire.

2. But if the word discipline be taken (as it is in the first article of the covenant) as contra-distinguished unto the government, there is something, even in that also, wherein we are not fully satisfied, viz. the leaving of so much power in so many persons, and those, many of them, of mean quality, for the keeping back of thousands of well-meaning Christians from the benefit and comfort of the blessed sacrament: an austerity for which there appeareth not to us any probable warrant from the word of God,

[1] Every subject, by the duty of his allegiance, is bounden to serve and assist his prince and soveraigne lord, at all seasons, when need shall require. 11 Hen. VII. 18.

[2] Stat. Eliz. 1.

but which seemeth rather repugnant as to the generall principles of Christian prudence and charity, so to the directions and practice of St Paul in particular, 1 Cor. v. 1, &c., who, in a church abounding with sundry errors and corruptions, both in faith and manners, (having first given order for the excommunicating of one onely person, that, by shameless continuance in a notorious sin, had brought a foul scandall upon the gospell,) sufficing himself then with a general proposal of the great danger of unworthy communicating, remitteth every other particular person to a self-examination, without any order, either to ministers or lay-elders, to exclude any from the holy communion upon their examination. 1 Cor. xi. 28, &c.

III. As to the ordinance concerning the directory, in particular, we cannot, without regret of conscience, (during our present judgement, and the continuance of the present laws,) consent to the taking away of the book of Common Prayer,

1. Which, by our subscriptions, most of us have approved, with a solemn promise therewithall, in the publique service to use the form prescribed therein, and no other.

2. Which, according to our said subscription and promise, and our bounden duty, according to the statute [1] in that case provided, we have hitherto used in our churches, chappels, and other oratories, to the great benefit and comfort of our souls.

3. Which we verily believe not to contain any thing which (with such favourable construction as of right ought to be allowed to all manner of writings) is not justly defensible, which hath not been, by learned and godly men, sufficiently maintained, against such exceptions as have been heretofore taken thereat, and which we are not confident (by the assistance of Almighty God) we shall be able to justifie (as occasion shall be offered,) against all papists, and other oppugners or depravers thereof whatsoever.

4. Which is established by an act of parliament, made (in peaceable times) by as good and full authority as any under heaven can have over us. Which doth so weigh with us, that as it freeth us from the necessity of giving in any particular exceptions against the directory, or any thing therein contained, so it layeth an inevitable necessity upon us of continuing the form of prayer therein enjoined, and of not admitting any directory, or other form, to the prejudice thereof, till the said act shall by the like good and full authority, be repealed.

In which statute there is not onely an express command given to all ministers for the using of the same, but there are also sanctions of severe punishments to be inflicted upon such of them as shall refuse so to do, or shall preach, declare, or speak any thing to the derogation or depraving the book of Common Prayer, or of any thing therein contained, or any part thereof; with punishments, also, to be inflicted upon every other person whatsoever (the lords of the parliament not excepted) that shall in like manner declare or speak against the said book; or shall, by deed or threatening, compel, or otherwise procure or maintain any minister to say open prayer, or to minister any sacrament in any other manner or form than is mentioned in the said book; or shall interrupt or hinder any minister in the use of the said formes; as by the words of the said statute more at large may appear.

Which statute also hath had such an universal powerful influence into the succeeding times, that, in all such [2] statutes as have been since made against popish recusants, the refusing to be present at common-prayer, or to receive the sacrament according to the forms and rites mentioned in that book, is expressed as the most proper legall character whereby to distinguish a popish recusant from a true protestant: In so much, that use hath been made of that very character, in sundry acts, since the beginning of this present parliament, for the taxing of double payments upon recusants.

Thus have we clearly and freely represented our present judgment concerning the said

[1] 1 Eliz. [2] Stat. 23 Eliz. 1, and 29 Eliz. 6, and 35 Eliz. 1, and 2 and 3 Jac. IV. and V.

covenant, negative oath, and ordinances, which, upon better information, in any particular, we shall be ready to rectify: Only we desire it may be considered, that if any one single scruple or reason in any the premisses remain unsatisfied, (though we should receive full satisfaction in all the rest,) the conscience would also remain still unsatisfied: And in that case it can neither be reasonable for them that cannot satisfie us to presse us, nor lawfull for us, that cannot be satisfied, to submit to the said covenant, oath, and ordinances.

Quis damnaverit eum, qui duabus potentissimis rebus defenditur, jure et mente?
QUINTIL.

Rom. xiv. 22. "Happy is he that condemneth not himself in that which he alloweth."

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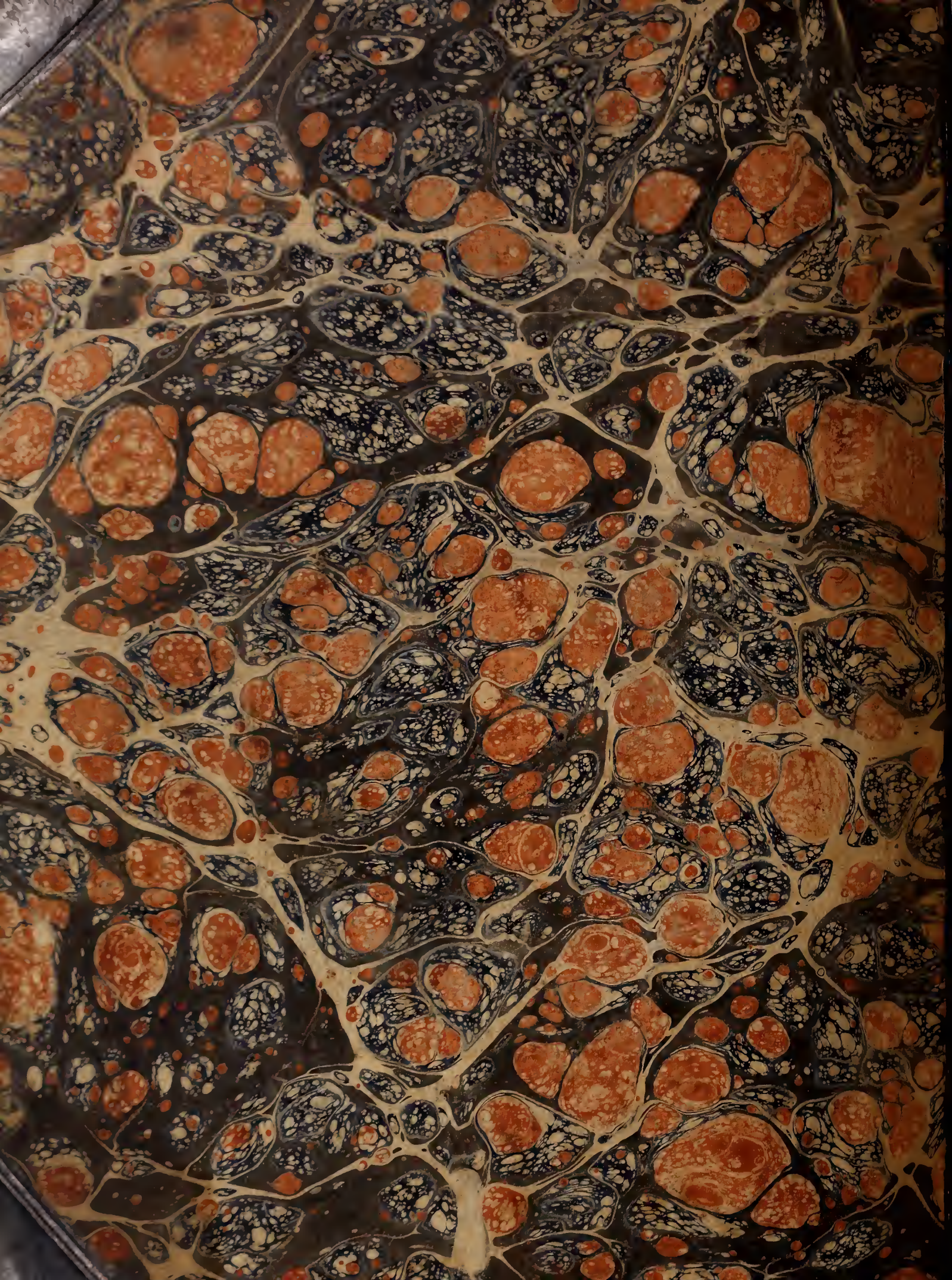
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